



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twentieth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11460 of 2022

1 KALAIYARASI
2 K.ARUN

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
RAILWAY PROTECTION FORCE POLICE STATION,
JOLARPET,
TIRUPATHUR DISTRICT.
(CRIME NO. 95 OF 2020)

[RESPONDENT]

For Petitioner : M/S. A.VINOTH KUMAR Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under section 174 of Cr.P.C., subsequently altered into Section 306 of IPC in Crime No.95 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused borrowed money from the deceased Dayalan long back and he did not repay the same. In the year 2016, quarrel arose between the first accused and the deceased for the repayment of balance amount. Thereafter, there was no talking terms between both of them. After the death of the Dayalan, the family members of the deceased suspected the first accused and his family members and mentioned their names in the private complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners had not committed any such offences as alleged by the prosecution and they had been falsely implicated in this case. The petitioners are innocent and they are nothing to do with the alleged offence. The deceased is a drunkard and due to continuous drinking, the deceased developed depression and committed suicide by falling before the moving train. He further submitted that the other accused in the case were released on bail. Hence, he pleads for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that during investigation, a suicide note was found from the deceased bag, stating that the first accused and his family members are responsible for his death. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the rival submissions, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambur on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the respondent before daily at 10.00 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions has been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

20/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
RAILWAY PROTECTION FORCE POLICE STATION,
JOLARPET,
TIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.VINOTH KUMAR Advocate on payment of necessary charges SR.NO. 7720

CRL OP.11460/2022

Date :20/05/2022

RW-24/05/2022