



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12701 of 2022

KANNAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE
TEYNAMPET POLICE STATION,
T.NAGAR, CHENNAI.
CRIME NO.151 OF 2021.

[RESPONDENT]

For Petitioner : M/S.S.CHANDRASEKAR Advocate

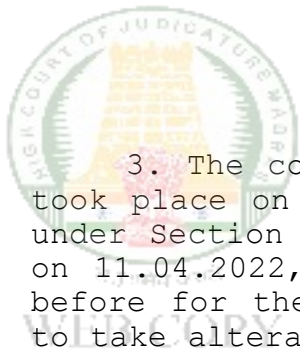
For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)
Assistant by M/S.R.S.NIRANJAN, Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 174 Cr.P.C. now altered into Section 306 IPC in Crime No.151 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 04.04.2021 at about 8 a.m., one Kumar, the husband of the defacto complainant was found dead by hanging. Initially the case was registered under Section 174 Cr.P.C. Thereafter, the wife of the deceased found a suicide note which was recorded in the mobile phone of the deceased and subsequently, the suicide note was traced out from her bureau and handed over to the police. In the suicide note, the deceased has stated that due to the harassment of the petitioner, he commits suicide. Hence, on 11.04.2022 an alteration report was filed before the trial Court for the offence under Section 306 IPC against the petitioner.



3. The contention of the petitioner is that the alleged suicide took place on 04.04.2021 and the FIR was registered on the same day under Section 174 Cr.P.C. and after a period of almost one year i.e. on 11.04.2022, an alteration report has been filed before the Court before for the offence under Section 306 IPC. There is no necessity to take alteration after a period of one year. The further contention of the petitioner is that the petitioner and the deceased were friends and they both were running a small tiffin eatery. The deceased had taken loan from the petitioner and thereafter, the deceased did not repay the loan and hence, for recovery of the same the petitioner approached the police. Subsequently, the deceased repaid the loan and after repaying the loan, the deceased committed suicide for which, the petitioner cannot be a reason. However, though it is a false allegation, on humanitarian consideration and since the deceased is the friend of the petitioner, the petitioner is willing to pay a sum of Rs.2 lakhs to the defacto complainant and would seek four weeks time to pay the same.

4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant is the wife of the deceased namely Kumar. The deceased and the petitioner were friends. The deceased was running a small Tiffen shop in a plat form opposite to Bharathiraja Hospital at G.N. Chetty Road, T.Nagar. The deceased had given money and jewels to the petitioner to start a business. Further, he had also borrowed money from others. While so, the lenders demanded the deceased to repay the money. Therefore, the deceased asked the petitioner to repay the amount for which, the petitioner threatened him and also harassed him to give further money. Due to the harassmt made by the petitioner, he committed suicide. Initially, FIR was registered under Section 174 Cr.P.C. After the occurrence, the wife of the deceased found a suicide note recorded in the mobile phone of the deceased and subsequently, the suicide note was traced out from her bureau and handed over to the police. In the suicide note, the deceased has clearly stated that the petitioner is the reason for his suicide. He would further submit that the investigation is at the crucial stage. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

6. Taking into consideration the facts and circumstances of the case and a perusal of the materials available on record and also considering the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall handover a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the defacto complainant/the wife of the deceased Kumar on or before 24.06.2022 and thereafter



within a period of two weeks, on production of acknowledgment for the payment to the defacto complainant, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., from 31.05.2022 till 24.06.2022 and thereafter as and when required for interrogation. It is made clear that the payment of Rs.2 lakhs to the defacto complainant is only on humanitarian consideration that too offered by the petitioner himself which will no way construed against the petitioner in any manner in this case.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/05/2022

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
TEYNAMPET POLICE STATION,
T.NAGAR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.CHANDRASEKAR Advocate on payment of necessary
charges SR.NO.8006

CRL OP.12701/2022

Date :27/05/2022

JPA 31/05/2022