



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.13644 of 2022

HARI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
VEEPANKUPPAM POLICE STATION,
VELLORE DISTRICT
CR.NO.139 OF 2022.

[RESPONDENT]

For Petitioner : M/S.K.SASINDRAN 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 petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 306 r/w S.3(2)(v) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Amendment Act, 1957 in Crime.No.139 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that one Rajasekhar has committed suicide on 13.05.2022 and his wife, the defacto complainant lodged a complaint making allegation against the petitioner that the petitioner is reason for the death of her husband. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an elected councillor of a panchayath union, who is discharging his public function. He would further submit that he has nothing to do with for the committance of suicide of the defacto complainant's husband and hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the the defacto complainant's grievance was that due to pressure exhorted by the petitioner on her husband for payment of the swindled amount



made for committal of suicide. Hence, he opposed for grant of anticipatory bail.

5. The petitioner is the sole accused and he is the Election Councillor in the Ramanayini Kuppam Panchayath Union. While being so, the deceased, who was working as the Panchayath Secretary (clerk) swindled the money of the Panchayath Union to the tune of Rs.45 lakhs. Therefore, the petitioner, lodged complaint before the Block Development Officer, Anaikattu and summons was issued to the deceased for conducting enquiry. On receipt of the summons, he also attended the enquiry and admitted that he had misappropriated the amount to the tune of Rs. 45 lakhs. Therefore, he was directed to repay the said amount and the deceased had paid a sum of Rs.2 lakhs. While being so, the deceased has committed suicide on 13.05.2022. It seems that upon the instigation of the petitioner to repay the swindled misappropriated amount by him, the deceased could not able to deposit the same and committed suicide.

6. Considering the above facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-III, Vellore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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. for a period of two weeks and thereafter as and when required for interrogation.

[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 petitioners in accordance with law as if the conditions have 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].

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

-sd/-

14/06/2022

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,
NO.III, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
VEEPANKUPPAM POLICE STATION,
VELLORE DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.SASINDRAN Advocate on payment of necessary charges
Sr.9072

CRL OP.13644/2022

Date :14/06/2022

RVR 20/06/2022