



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.15086 of 2022

RAJAGOPAL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
MAYILADUTHURAI DISTRICT.
CRIME NO.142 OF 2022.

[RESPONDENT]

For Petitioner : M/S. K.BALU 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 apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C. @ Section 306 of IPC in Crime No. 142 of 2022, seeks anticipatory bail.

2. The alleged occurrence is said to have taken place on 16.06.2022. The case of the prosecution is that, one Karthikeyan S/o Govindharajan lodged a complaint before the respondent Police stating that the deceased Govindaraj owned a land in Survey No.1652B to an extent of 2.27 cents. In the year 2015, the de-facto complainant's father and Jayalakshmi W/o Tamizharasan entered into an agreement of sale for the said property at the rate of Rs.2,500/- per Kuzhi and the said Jayalakshmi also paid Rs.1,00,000/- as an advance to Govindaraj. The deceased Govindaraj called Jayalakshmi to fulfil the agreement by paying the remaining amount, but the same was not fulfilled by her. Thereafter, in the year 2022, one Somasundaram S/o



Jayalakshmi approached the deceased Govindaraj and asked to convey the property in his mother's name as per agreement of the year 2015, but the Govindaraj refused, as the agreement was lapsed and the value of the land increased to Rs.60,000/- per cent. Thereafter, the Somasundaram approached the petitioner/A2. The petitioner herein called both the parties in front of the villagers and settled the matter by fixing Rs.5,000/- per kuzhi and both the parties signed in the village register. The de-facto complainant's father was upset from the said occurrence. On 16.06.2022, at about 1.00 a.m. de-facto complainant's father went missing and was found dead near Odakkarai at about 5.00 a.m., due to consumption of poison. Hence, the case.

3. On perusal of the suicide note written by the deceased alleged that, one Somasundaram entered into an agreement with the deceased to purchase his land and also paid an advance amount. Thereafter, the victim refused to sell the same for the reason that the said Somasundaram compelled to sell the land for lesser and the price was fixed by the petitioner herein. Further stated that, if the deceased failed to execute the sale deed in favour of Somasundaram, he will lodge a complaint under SC & ST Act. Therefore, soon before his death, there was no instigation by the petitioner to commit suicide.

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

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Tharangambadi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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. for a period of four 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 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/-

05/07/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 INSPECTOR OF POLICE,
PORAIYAR POLICE STATION,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.BALU Advocate on payment of necessary charges
SR.NO. 10750

CRL OP.15086/2022

Date :05/07/2022

RW-08/07/2022