

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eleventh day of July Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.16007 of 2022

VELMURUGAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE
KALLAKURICHI POLICE STATION,
VILLUPURAM DISTRICT
(CRIME NO.303/2022)

[RESPONDENT]

For Petitioner : M/S.S.N.ARUNKUMAR Advocate

For Respondent : MR.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 alleged offences punishable under Section 306 of IPC in Crime No. 303 of 2022, seeks anticipatory bail.

2. There are totally two accused, in which, the petitioner is arrayed as A2. The case of the prosecution is that the defacto complainant's son Thiruvenkadam, aged about 21 years, was working with Sujatha Enterprises, owned by A1. On 03.07.2022, the defacto complainant's son consumed poison and died. It is further alleged that before consuming poison, he recorded a video, in which, he narrated the reasons for his suicide. In that video, it is stated that the petitioner has received Rs.7,00,000/- and also demanded more money, since the deceased was not able to pay the amount, he committed suicide. Hence, the defacto complainant lodged a complaint and a case has been registered as against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is ready and willing to abide by any stringent condition that may be imposed on him. Therefore, he prays to grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally two accused, in which, the petitioner is arrayed as A2. The petitioner is a friend of A1. Both are running a finance business in the name and style of Sujatha Enterprises. The defacto complainant's son was working under A1 and A2. Due to work pressure, he consumed poison and died. He would further submit that the co-accused was arrested and remanded to judicial custody. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Even according to the case of the prosecution, the deceased was working under A1 and A2. A1 and A2 were running unauthorised chit. Due to work pressure, the deceased consumed poison and committed suicide. Thereafter, A1 was arrested and remanded to judicial custody. There is no specific allegation as against the petitioner. Therefore, custodial interrogation of the petitioner is not required and this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 is made ready, before the learned Judicial Magistrate No.II, Kallakurichi, 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 Morning at 10.30 a.m. and Evening at 5.30 p.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/-
11/07/2022

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 JUDICIAL MAGISTRATE,
NO.II, KALLAKURICHI

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KALLAKURICHI POLICE STATION,
VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges SR.NO.11151

CRL OP.16007/2022

Date :11/07/2022

JPA 11/07/2022