



Crl.OP.No.20278 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 323, 306, 506(i) IPC in Crime No.284 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 10.08.2022, due to previous enmity regarding construction of septic tank, there arose a wordy quarrel between the petitioner and the deceased, who is the neighbour of the petitioner, in which the petitioner was alleged to have abused and assaulted the deceased. Due to mental stress and agony, the deceased committed suicide by consuming pesticide. Subsequently, he was admitted in the hospital, however he died on 19.08.2022. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is alleged to have abused the deceased in filthy language and assaulted him. Due to mental stress and agony, the deceased committed suicide by consuming pesticide and died on 19.08.2022. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that the petitioner has abused and attacked the deceased, thereafter one week later, due to mental stress, the deceased consumed poison, admitted in the hospital on 17.08.2022 and died on 19.08.2022. However, no statement was recorded from the victim though he was taking treatment for two days in the hospital. That apart, there is no evidence to show that the deceased committed suicide on the instigation of the petitioner.

6. In view of the above, custodial interrogation of the petitioner does not require. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-



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7. 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 Judicial Magistrate Court No.1, Tiruvallur, Tiruvallur District 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. for a period of two weeks and thereafter as and when required for interrogation.

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.08.2022

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