



Crl.O.P.No.22805 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 174 of Cr.P.C @ 306 of IPC in Crime No.166 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant is that his father was admitted in ICU of KMC Hospital, Chennai on 05.03.2020 and thereafter, after 5 days, he passed away at an early hours of 01.40 a.m and on examination, they had found a suicide note left by his father stating that the petitioners along with the another accused had cheated him in the guise of getting loan and had taken the signatures in the empty papers and grabbed his properties. Based on the complaint, a case was registered under Section 174 of Cr.P.C and later during the course of investigation, it was altered to Section 306 of IPC.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been



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unnecessarily dragged into this case by the son of the deceased. He would further submit that the deceased had taken loans from several people and cheated and he was unable to repay debts to the petitioners as well as several other persons and thereby committed suicide. The family members of the deceased in order to evade payment to the petitioners has falsely implicated him, based on a suicide note fabricated after his death. He would further submit that the victim was admitted in the hospital on 05.03.2020 and he passed away after 5 days on 10.03.2020. During such time, the respondent Police did not take any steps to record any dying declaration from the victim. The suicide note has also surfaced only after the death of the victim. He would further submit that the respondent had issued summons under Sections 91 and 160 of Cr.P.C directing the petitioners to appear before them on 09.03.2022 and in due compliance of the same, the petitioners have also appeared and statements have also been recorded from them. However as an abundant caution, the present application has been filed seeking for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl.Side) would submit that the *de-facto* complainant's father was found in an unconscious stage and he was admitted in the hospital on 05.03.2020. Thereafter, he passed away on 10.03.2020. Later a suicide note dated 05.03.2020 was recovered by the police wherein, he has implicated 4 persons stating that they have taken the signatures in the empty bond papers and threatened him and grabbed his property. He would further submit that the notice was issued to the petitioners and the petitioners also appeared for enquiry. However, he would oppose for grant of anticipatory bail to the petitioners.

5. Mr.Santhosh Kumar, the learned counsel appearing for the intervenor would submit that the petitioners and another accused person, under the guise of giving loan to the *de-facto* complainant's father have obtained signatures in empty bond paper and have taken possession of the documents belonging to the *de-facto* complainant's father and they are attempting to grab the property.



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6. Heard the learned counsel. Taking into consideration the facts and submissions of the case and that the incident had occurred on 05.03.2020 and the petitioners have also appeared for enquiry, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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 V Metropolitan Magistrate, Egmore**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners 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



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identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Monday and Saturday at 10.30 a.m., until further Orders.

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

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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