



Crl.O.P.No.27574 of 2022

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A.D.JAGADISH CHANDIRA,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147 and 323 IPC altered into Sections 147, 323, 448, 506(i) IPC read with Sections 309 IPC and altered into Sections 147, 323, 448, 506(i) IPC read with Section 306 IPC in Crime No.342 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the deceased was working as a driver under A1 for a load vehicle bearing Reg.No.TN-22-BP-5779 and the other accused are relatives of A1. The deceased had caused damages to the said vehicle and hence, A1 had retained the salary of the deceased. For which, the deceased had lodged a complaint against the first accused for not disbursing the salary and a case was registered in Crime No.342 of 2022 under Sections 147 and 323 of IPC against A2. While so, A1 along with other accused had assaulted and humiliated the deceased, due to which, the deceased had committed suicide by self immolation. Hence, the case.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the relative to the first accused. He would further submit that the allegations are attributed only as against the first accused. He would further submit that the main accused in this case has been granted bail by this Court in Crl.O.P.No.24302 of 2022 dated 06.10.2022 and they have been complying with the conditions. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that, the deceased was working as a driver under A1 and he met with an accident and thereby damaged the car, for which, A1 had retained his salary. On 13.09.2022, when the deceased demanded his salary, the petitioner along with other accused had abused and humiliated the deceased and for which, the deceased had lodged a complaint on 14.09.2022 against A1 and a case was registered in Crime No.342 of 2022 under Sections 147 and 323 of IPC. Thereafter, the deceased had committed suicide by self immolation. Hence, he opposed to grant anticipatory bail to the petitioner.



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5. Taking into consideration of the facts and circumstances of the case and also considering that the main accused in this case have been enlarged on bail by this Court in Crl.O.P.No.24302 of 2022 dated 06.10.2022, this Court is inclined to grant anticipatory bail 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 made ready, before the **learned XVII Metropolitan Magistrate, Saidapet, Chennai** on condition that the petitioner shall execute a 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 petitioner and the sureties shall affix their photographs and



Crl.O.P.No.27574 of 2022

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 Inspector of Police, F-5, Choolaimedu Police Station daily at 10.00.a.m., until further orders.

[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.

14.11.2022

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A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.27574 of 2022

Crl.O.P.No.27574 of 2022

14.11.2022