



Crl.O.P.No.31088 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2022

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.31088 of 2022

S.Venkatesh
S/o.V.Sankarapandian

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
J8 Neelankarai Police Station,
Chennai.
(Crime No.453 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.453 of 2022 pending on the file of respondent police.

For Petitioner	: Mr.V.Raghavachari for Mr.D.Sai Kumaran
For Respondent	: Mr.S.Vinoth Kumar, Govt. Advocate (Crl.Side.)
For Intervenor	: Mr.S.Subramanian



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.12.2022 for the alleged offence under Sections 305 of I.P.C. in Crime No.453 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the defacto complainant is the father of deceased. His two sons are studying in a school and the petitioner is a P.E.T.Master. The elder son of defacto complainant alleged to have used banned tobacco products and it was questioned by the petitioner. When it was reported to the defacto complainant, he came to the school to meet the Principal and questioned about the same, for which he assured that he will not take action against him. Due to this depression and sadness, on 02.12.2022 at 07.45 a.m. the deceased died by committing suicide. Hence, father of deceased lodged the complaint.



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3. The learned counsel appearing for petitioner submitted that there was a tobacco awareness progress in the school on 26.11.2022 and thereafter, they found that drugs were used widely by the students of the school and coollip sachets and empty coollip sachets were found in the third floor toilet. He would submit that in order to safeguard the life of students, they did a search on 30.11.2022 in all the school bags of XII std. Students, thereby it was found haans and coollip sachets in the bags of four boys. Hence, he called upon the parents and informed them to appear before the school authority, wherein on 01.12.2022, in the presence of Sub-Inspector of Police in order to give counseling to the parents and students, there was an awareness programme, in which parents of deceased along with other students appeared before the school authority. Subsequent to that, the boy committed suicide on 02.12.2022 and based upon a complaint, the petitioner was falsely implicated in this case. He would submit that he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he will abide by any condition imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for



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more than 17 days from 02.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned counsel for Intervenor raised objection stating that the deceased along with two sons were studying in the school. On an earlier occasion, younger son studying IX std. Chellapandi was scolded by this petitioner, who is a P.E.T. Teacher of the school and thereafter, when it was questioned by the parents, they got aggravated over his son. He would submit that on 01.12.2022, the deceased son Kavin was called upon by this master and in the presence of other students, he scolded, thereby he undergone mental stress and committed suicide. So, only on seeing the conduct of school authority, boy committed suicide. Hence, he prayed to dismiss this petition.

5. By way of reply, the learned Government Advocate (Crl. Side) appearing for respondent would submit that on 01.12.2022, not only the deceased, other students parents were called upon to attend the said awareness progress and other four students said to have involved in using the tobacco products and so, the parents of students were called



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upon and in the presence of school authority, some of the police gave counselling to the parents, thereafter, son of deceased committed suicide. For that, the school authority is no way connected with his death. He would also submit that if he is released on bail, he would tamper the witnesses and hamper the investigation. Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, there was awareness programme was conducted in P.T.A. Meeting on 26.11.2022 and thereafter as they found some tobacco products in the school campus, the school authority called upon deceased along with parents, they were enquired and the photographs enclosed in the typed set of papers also reveals that students along with their mother were present before the authority. The contention of defaco complainant is that his son was called upon along with mother and he was scolded by him. But, available records as well as confession of all other students reveal that there was an awareness progress and some of the police were given counseling not only to the deceased and also to other students. So, the fact reveals that all the students were advised along with their parents and subsequent to that only, he



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committed suicide. Totally, there are three accused involved in this case and all were teachers and the petitioner was arrested on 02.12.2022 and statements also recorded from the students.

6. Considering the above facts and circumstances, and also considering the fact that the investigation was almost completed and considering the nature of offence committed by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on condition to 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 **learned Judicial Magistrate Court-II, Alandur**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;



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(b) the petitioner shall report before the respondent police on every Wednesday and Sunday at 10.30 a.m. for the period of four weeks and also appear before the trial court for the hearing regularly without fail and he shall also not to cause any disturbance to younger son of defacto complainant viz., Dharsan, who studying in IX Std.

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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8. Further, as per FIR, the deceased committed suicide due to depression and mental stress, thereby, the petitioner has been charged for the offences under Section 305 IPC. It is seen that the father of deceased was working as a Driver and the parents have lost their elder son. Hence, this Court recommends that it is a fit case to refer, **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme.** The Legal Services Authority, Chenglepet, is hereby directed to deposit a sum of each **Rs.75,000/- i.e. Rs.1,50,000/- (Rupees one lakh fifty thousand only) to the parents of deceased** as interim compensation in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order. The parents are permitted to withdraw the said amount.

20.12.2022

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1. The Chairman
Legal Services Authority, Chenglepet.
2. The Secretary
Legal Services Authority, Chenglepet.
3. The Legal Services Authority, Chenglepet.

To

1. The Judicial Magistrate-II,
Alandur.
2. Inspector of Police,
J8, Neelangarai Police Station,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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