



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
RESERVED ON : 20/04/2022
PRONOUNCED ON : 27/04/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). Nos.5896 and 6013 of 2022

Raj Kumar @ Raja Kumar

... Petitioner/Accused No.1
in Crl.OP(MD).5896/2022

Jeyaveeraraj

... Petitioner/Accused No.3
in Crl.OP(MD).6013/2022

Vs

The State rep.by
The Inspector of Police,
Sindhupatti Police Station,
Madurai District.
(Crime No. 285/2021).

... Respondent/Complainant
in both petitions

For Petitioner : M/s.Siva Kumar.P,
Advocate.
in Crl.OP(MD).5896/2022

For Petitioner : M/s.Prasanna Rajadurai.A,
Advocate.
in Crl.OP(MD).6013 /2022

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)
in both Petitions

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No. 285 of 2021 on the file of the respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/accused 1 and 3, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 306 I.P.C., in Crime No.285 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 24.11.2021, the defacto complainant lodged a complaint stating that his son was



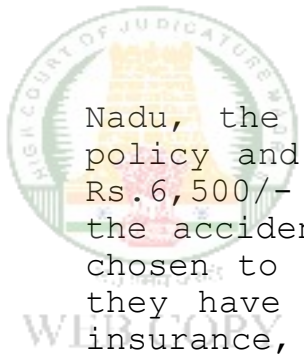
roving on previous day night without sleep, that on 24.11.2021 early morning as he was not found in the bed and on search, he was rescued near kanmai karai in unconscious manner and while he was taken to hospital, he died on the way, that they have found a letter dated 17.11.2021 allegedly written by the deceased stating that he was cheated by Ifco Tokkyo Insurance Company officials, that though he directed them to insure his vehicle from bumper to bumper, after his vehicle met with an accident, he came to know that they have only insured a normal insurance, that the petitioner/first accused is a relative of the deceased and he was working in the Ifco Tokkyo Insurance Company at that point of time, that the third accused was working as in-charge of the body shop and accessories in the Express Motor Company.

3. Admittedly, the deceased was owning a Maruthi Swift bearing Registration No.TN-14-M-8327 and the same was insured with Ifco Tokkyo Insurance Company. It is also not in dispute that the said car was involved in the accident and the deceased handed over the said car for carrying out the repairs. According to the prosecution, as per the advise of the first accused, the deceased had paid insurance amount for insuring his car from bumper to bumper and that after his car was involved in the accident, he was informed that a normal policy alone was given and as such, the deceased has to pay for the repair works and other charges.

4. The case of the first accused is that the policy was issued only as per the request of the deceased and the insurance certificate was also given to him on 03.03.2021 and three months later, his vehicle was involved in the accident and after that, the deceased approached the Insurance Company and demanded to provide bumper to bumper insurance benefits, that the Insurance Company employees refused to provide the same as per their norms, that the deceased asked money from the petitioner, in order to coming out from his debts, but the first accused refused to provide the same, that the deceased got vengeance against the first accused and his company, that the deceased was facing his personal problems and debt problems and thereafter, he had committed suicide and that therefore, the first accused has nothing to do with the alleged offence.

5. The case of the petitioners is that they are innocents and that they have not committed and involved in the offence as alleged, that the custodial interrogation is not necessary and that the they have been falsely implicated in the above case.

6. The learned Government Advocate (Crl.Side) appearing for the State would submit that the deceased had written a suicide note by giving a title as dying declaration, wherein he had specifically implicated the petitioners herein. He would further submit that the deceased had approached the first accused only to take normal insurance policy after lock down declared by the Government of Tamil



Nadu, the first accused had advised him to take bumper to bumper policy and thereafter sell the vehicle and he was directed to pay Rs.6,500/- additionally, that subsequently his car was involved in the accident, that even after lapse of so many days, they have not chosen to return the same, that subsequently he came to know that they have not issued bumper to bumper insurance, but only normal insurance, that Rajkumar - first accused was fully responsible for his suicide and that Kannan and Jeyaveeraraj (third accused) were the abettors and that therefore, suitable punishment should be given to the persons who were responsible for his suicide.

7. In the second page also, as pointed out by the learned Government Advocate (Crl.Side), the deceased has allegedly stated that though he had visited twice to the Insurance Company, there was no proper response, that when he visited on the previous day, the Manager - third accused was only supporting the said Rajkumar - first accused, that though he requested them to settle the dispute, he claimed that he does not know and directed him to make complaint wherever he wanted.

8. No doubt, this Court at this stage cannot decide about the genuineness of the suicide note alleged to have written by the deceased, but according to the prosecution, the initial investigation revealed that the suicide note was written by the deceased and that there existed prima facie case to proceed against the accused.

9. Considering the above facts and circumstances, seriousness and the gravity of the offences alleged and also taking note of the suicide note alleged to have been written by the deceased and that the investigation is pending as stated by the learned Government Advocate (Crl.Side), this Court is not inclined to grant anticipatory bail to the petitioners at this point of time.

10. In the result, both the Criminal Original Petitions are dismissed.

sd/-
27/04/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



TO

1 THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION,
MADURAI DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) . Nos.5896 and
6013 of 2022

Date :27/04/2022

SA/SVR/SAR.4/09.05.2022/4P/3C