



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12866 of 2022

Reni Nishanth

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
(Crime No.243 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Jameel Arasu B, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.243 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 306 IPC in Crime No.243 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the deceased was a tenant and the accused persons were running a hotel. On 29.06.2022 at about 11.30 am., the accused persons abused the deceased in filthy language and the accused, namely Anand assaulted him with hands. They also scolded the deceased to commit suicide as if he is not able to pay the rent. Because of the aforesaid humiliation, the deceased consumed rat poison and later was admitted in the hospital and died.



3. Seeking anticipatory bail, the petitioner, who was arrayed as 2nd accused, has moved this petition. The entire CD file has been called for and perused.

4. The learned counsel for the petitioner would submit that on the date of the occurrence, the accused persons demanded rent and at that time, the deceased person threatened the accused stating that if any rent is demanded, then he will commit suicide. Over the aforesaid threat, they made a complaint on 29.06.2022 at about 01.00 pm., So, that complaint was given by the petitioner apprehending some sort of trouble. But according to him, no action was taken on the basis of the aforesaid complaint. If the action is taken in time, the aforesaid occurrence would have been prevented.

5. The learned Government Advocate (Crl.side) would submit that only to escape from the aforesaid crime of abetment of suicide, the aforesaid complaint has been given. He would say that on 29.06.2022 at about 11.30 am., the trouble was made by the accused persons and the deceased was also assaulted. Immediately, he consumed poison and was taken to the hospital. But the complaint in CSR.No.419 of 2022 has been given only at about 01.00 pm., as stated above.

6. So, according to the learned Government Advocate (Crl.side), only in order to escape from the criminal liability, the complaint has been given in advance, which should not be taken into account. But from the sequence of events, it is seen that there was some sort of trouble between the deceased as well as the accused persons. But at the same time, it appears that the complaint was given by the petitioner and the deceased was taken to the hospital.

7. No doubt, only after the deceased has taken the poison, the aforesaid complaint has been given. It is specifically stated that only the 1st accused assaulted the deceased. So, the only point that is to be decided during the course of investigation and trial is that whether by using the aforesaid words, the accused persons really intended the deceased to commit suicide or whether they have created circumstances, which drove the deceased to the extreme step of committing suicide.

8. Considering the fact that the petitioner is alleged to have played only a limited role, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the District Munsif cum Judicial Magistrate Court, Peravurani, Thanjavur 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until



further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

10. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

Sd/-

27/07/2022

/ TRUE COPY /

/ /2022

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

MM

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
PERAVURANI, THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12866 of 2022

Date : 27/07/2022