



WEB COPY



CrI.O.P.No.5231 of 2023

CrI.O.P.No.5231 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C @ 306 IPC, in Crime No.46 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Anbalagan is that on 21.02.2023, his son committed suicide by hanging from the fan and on suspecting on the death of his son, the defacto complainant checked his son's mobile in which, repeated calls had come from two numbers viz., 9524407489 and 7010725780 and it was seen that his son had refused to speak with them. Further when the defacto complainant enquired with the friends of his son, he came to know that the petitioner had posted some defamatory message against the son of the defacto complainant along with his cell phone number in the Thethakkudi youth whatsapp group and thereby, his son committed suicide. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a student aged 22 years and studying



Crl.O.P.No.5231 of 2023

WEB COPY

Bachelor's of Dental Science at Chennai and that his name has been unnecessarily dragged into this case. He would submit that it is true that the petitioner's phone number is 9524407489. The defacto complainant's son/victim had abused the female friend of the petitioner over phone and she had complained to the petitioner. Hence, the petitioner enquired the defacto complainant's son about the same for which, the defacto complainant's son sent an apology message to the petitioner's cell phone. Later, it came to light that the defacto complainant's son had spread false rumour against a girl in the village and hence, the other friends abused him due to which, the defacto complainant's son committed suicide fearing action against him and that the petitioner never abetted the deceased to commit suicide. He would further submit that the petitioner is ready and willing to surrender his mobile phone along with the messages sent by the deceased for the purpose of investigation and the custodial interrogation of the petitioner may not be required. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the defacto complainant's son



CrI.O.P.No.5231 of 2023

WEB COPY

committed suicide on 21.02.2023 and on verification, it was found that the petitioner and another person have repeatedly called his mobile number and being threatened by the same, the deceased committed suicide by hanging. He would submit that the investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsel and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate, Vedaranyam**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand



Crl.O.P.No.5231 of 2023

WEB COPY

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 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 respondent Police on everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[c] The petitioner shall surrender the mobile phone to the respondent police and furnish the acknowledgement before the Court. The petitioner in the event of withholding any proof, the respondent police are at liberty to file the application seeking for cancelation of anticipatory bail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



WEB COPY



CrI.O.P.No.5231 of 2023

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

13.03.2023

mpa



WEB COPY



Crl.O.P.No.5231 of 2023

A.D.JAGADISH CHANDIRA, J.

mpa

Crl.O.P.No.5231 of 2023

13.03.2023