



Crl.O.P.No.6506 of 2023

WEB COPY

Crl.O.P.No.6506 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 of Cr.P.C altered into Sections 294(b) and 306 of IPC, in Crime No.42 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant S.Natarajan is that he and his wife paid a sum of Rs.95,000/- to the main accused/A1 for the purchase of land. While so, the main accused/A1, who received the money, had refused to register the property and had stated that the property belongs to his relative one Singaravelu and the said Singaravelu has already given Power of Attorney to the second accused/Kumaran and that, when the de-facto complainant and his wife had questioned the same, the main accused/A1 had abused them and also threatened them that he will do away with them and thereafter, the de-facto complainant's wife has committed suicide by consuming pesticides. Hence the complaint.



Crl.O.P.No.6506 of 2023

WEB COPY

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 of the main accused/A1. He further submit that there was a dispute between the de-facto complainant and the first accused with regard to land and the petitioner's name has been unnecessarily roped into this case. He further submit that other than the petitioner being the power agent in respect of the disputed property, he has not committed any offence as alleged by the prosecution. He further submitted that there is no specific allegation as against the petitioner that he had abetted the deceased to commit suicide or threatened the de-facto complainant or his wife. He also submitted that the petitioner is ready and willing to furnish solvent sureties and abide by any stringent condition that may be imposed on him. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner/A2 is the close



Crl.O.P.No.6506 of 2023

WEB COPY

relative of the main accused/A1 and the main accused/A1 had received a sum of Rs.95,000/- from the de-facto complainant and his wife and agreed to convey the property and later, he has refused to repay/return the amount and register the documents and later, he had threatened the de-facto complainant and his wife, due to which, the de-facto complainant's wife committed suicide by consuming poison. He further submitted that the main accused/A1 and the petitioner had abetted the deceased to commit suicide. Hence, he vehemently opposed to the grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record including the FIR.

6. Taking into consideration the facts and the submissions made by the counsel on either sides, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.6506 of 2023

WEB COPY

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, Thiruthuraipoondi**, 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 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 everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



WEB COPY



Crl.O.P.No.6506 of 2023

[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.

11.04.2023

arb



WEB COPY



Crl.O.P.No.6506 of 2023

A.D.JAGADISH CHANDIRA, J.
arb

Crl.O.P.No.6506 of 2023

11.04.2023