



Crl.O.P.No.9033 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.9033 of 2023

Anand

... petitioner

Vs.

The State represented by,
The Inspector of Police,
Anaikaranchatram Police Station,
Mayiladuthurai District.

(Crime No.147 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.147 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 23.03.2023, in connection with Crime No.147 of 2023, registered under Section 174 Cr.P.C and later, altered for the offences punishable under Section 306 of IPC, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant Ramadevi is that her husband/victim had started a hotel business in the premises of the accused/petitioner. While so, due to the rental dispute, the victim decided to vacate the petitioner's premises and due to which, on 17.03.2023, there was a wordy quarrel between them and the petitioner had abused the victim in a filthy language. Therefore, the de-facto complainant's husband/victim, unable to bear the humiliation, had attempted to commit suicide by consuming pesticide and later, died on 20.03.2023, without responding to the treatment. Based on her complaint, initially a case in Crime No.147 of 2023 was registered by the respondent Police under Section 174 of Cr.P.C and later altered to one under Section 306 of IPC. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely roped in this case. He further submitted that it is true that there exist a landlord tenant dispute between the petitioner and the victim, however, the petitioner has not abetted the victim to commit suicide and also no materials are available to show that the petitioner has abetted the victim to commit suicide. He also submitted that the victim had committed suicide for various other reasons, whereas, the de-facto complainant had given a false complaint as against the petitioner. He also submitted that the petitioner is in custody from 23.03.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for respondent submitted that the petitioner is the owner of the premises, where the de-facto complainant's husband/victim was running his hotel and there was a rental dispute between them, due to which, the petitioner had abused the victim in a filthy language and the victim, unable to bear the humiliation caused by the petitioner, had committed suicide by consuming pesticide. He



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also submitted that investigation in this case is still pending, hence, he vehemently opposed to grant bail to the petitioners.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Sirkazhi**, and on further conditions that:

[a] 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Chennai and report before the Inspector of Police, Thirumangalam Police Station, everyday at 10.30a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

26.04.2023

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To

1. The Judicial Magistrate,
Sirkazhi.
2. The Inspector of Police,
Anaikaranchatram Police Station,
Mayiladuthurai District.
3. The Sub Jail,
Sirkazhi.
4. The Inspector of Police,
Thirumangalam Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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