



Crl.O.P.No.9249 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioner, who apprehends arrest at the hands of the respondent police, for the offences punishable under Section 306 of IPC, in Crime No.151 of 2023, registered on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant, is that the brother of the deceased/victim was working under the first accused and there was arrears of salary to be payable by the petitioner. When the deceased/victim, on behalf of his brother, had demanded salary arrears, for which, the first accused along with his driver (A2) had picked up a quarrel with the deceased/victim. Further, the first accused had abused and assaulted the deceased/victim in front of the victim's family members and his neighbors. Thereby, the victim had got upset over the same and unable to bear the humiliation caused by the accused, had committed suicide by hanging. Hence the case.



Crl.O.P.No.9249 of 2023

WEB COPY

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he happens to be the driver of A1. He further submitted that being the Driver of A1, the petitioner had taken the first accused to the place of occurrence and other than that the petitioner has nothing to do with the alleged offence. He further submitted that major part of the investigation is over and the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner (A2) along with his owner (A1), due to the dispute with regard to the salary arrears, had gone to the house of the deceased/victim, abused and assaulted the deceased/victim in public, due to which, the victim was unable to bear the humiliation caused by the petitioner and thus, had committed suicide by hanging. He further submitted that the investigation in this case is still pending, hence, he vehemently opposed for grant of anticipatory bail to the petitioner.



Crl.O.P.No.9249 of 2023

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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 overt act attributed against the petitioner, 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 is made ready, before the **learned XV Metropolitan Magistrate, George Town, Chennai**, 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 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 stands dismissed and on further condition that:



Crl.O.P.No.9249 of 2023

[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 Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Ariyalur and report before the Inspector of Police, Ariyalur Town 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.

26.06.2023

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Crl.O.P.No.9249 of 2023

26.06.2023