



Crl.O.P.No.11455 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 Sections 174 of Cr.P.C @ 306 of IPC, in Crime No.152 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 24.04.2023 the defacto complainant's brother was found lying unconscious at his home. Thereafter, he was taken to the hospital where, he was declared as dead and on the same day, when they were taking steps to conduct funeral, they had seen some marks around the neck of the deceased. At that time, his sister-in-law had informed the defacto complainant that due to financial problem, he had committed suicide by hanging. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been registered



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against him. He would further submit that admittedly the complaint has been given by the brother of the deceased on the information given by the wife of the deceased. Even as per the FIR, till the arrangements for funeral, the wife of the victim had not stated anything about the alleged suicide of her husband, to others, whereas, belatedly a false complaint has been given as if, the victim was having financial problems and thereby, he had committed suicide. He would submit that there was no financial transaction between the petitioner and the victim and that the name of the petitioner is also not mentioned in the FIR and there is absolutely no material to show that the petitioner abetted the victim to commit suicide. Hence, he would pray for the grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the friend of the husband of one Meenakshi and there was a financial dispute between the said Meenakshi and the deceased during which, the petitioner by threatening the deceased, had taken away the cell phone of the deceased.



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Therefore, the victim had committed suicide. However, he vehemently opposed to the grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records.

6. Taking into consideration the facts and circumstances of the case, 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 II, Alandur**, 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 stand dismissed and on further condition that:



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[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 stay at Madurai and report before the Thallakulam Police Station everyday at 10.30 a.m., until further orders.

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

[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]**.



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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