



Crl.O.P.No.14257 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

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

Crl.O.P.No.14257 of 2023

Rajesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R.K. Nagar Police Station,
Chennai.

(Crime No.151 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.151 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.R.Prabakar

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



WEB COPY



Crl.O.P.No.14257 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2023, in connection with Crime No.151 of 2023, registered under for the alleged offences punishable under Section 306 of IPC, on the file of the respondent Police, seeks 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 the 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 got upset over the same and unable to bear the humiliation caused by the accused, had committed suicide by hanging. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He



Crl.O.P.No.14257 of 2023

further submitted that admittedly there was a quarrel between the petitioner and the deceased/victim, on account of the financial dispute, whereas, the petitioner has not abetted the victim to commit suicide. He also submitted that even as per the prosecution, the alleged quarrel is stated to have taken place on 15.03.2023 at about 08.30 hours, whereas, the suicide is stated to have been committed by the deceased/victim at 05.15 p.m. and he also submitted that there is no material to show that the petitioner had abetted the victim to commit suicide. He further submitted that the major part of the investigation is over and the petitioner is in custody from 28.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

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



Crl.O.P.No.14257 of 2023

WEB COPY

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 XV Metropolitan Magistrate, George Town, Chennai**, 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 Bank pass Book to ensure their identity;



Crl.O.P.No.14257 of 2023

[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

ham



WEB COPY



Crl.O.P.No.14257 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
R.K. Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Ariyalur Town Police Station,
Ariyalur.
5. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.14257 of 2023

26.06.2023