

Crl.O.P.No.28623 of 2022

T.V.THAMILSELVI, J.

The petitioners, who apprehend arrest for the alleged offence under Sections 174 (i) of Cr.P.C., and Sections @ 147, 294(b), 323, 506(ii) and 306 IPC in Cr.No.226 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.08.2021, the defacto complainant namely one Arul Arasan lodged a complaint before the respondent police alleging that his father gave a sum of Rs.50,000/- to A1 and thereafter, he passed away and the amount due to the defacto complainant's father has not yet repaid by the accused. Due to which, there arose a wordy quarrel between the defacto complainant's brother and the accused persons, which ended in physical assault and also that the accused persons have abused the defacto complainant and his family members with filthy language. Subsequently, one of the defacto complainant's brother namely one Kaviyaran committed suicide by consuming poison and taken to the hospital and thereafter he died. Hence, the case.



3.The learned counsel appearing for the petitioner submits that he has no way connected with the alleged occurrence and he has been falsely implicated in this case. He would submit that the petitioners have repaid a sum of Rs.15,000/- to the defacto complainant and yet to pay the balance amount. While so, the brothers of the defacto complainant consumed alcohol and picked up quarrel with the petitioners. He would further submit that A2 has been arrested and released on bail. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit some amount to the credit of the crime number as imposed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that the defacto complainant namely one Arul Arasan lodged a complaint before the respondent police alleging that his father gave a sum of Rs.50,000/- to A1 and thereafter, he passed away and the amount due to the defacto complainant's father has not yet repaid by the accused. Due to which, there arose a wordy quarrel between the defacto complainant's brother and the accused persons, which ended in physical assault and also that the accused



persons have abused the defacto complainant and his family members with filthy language. Subsequently, one of the defacto complainant's brother namely one Kaviyarasan committed suicide by consuming poison and taken to the hospital and thereafter he died. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner on his own volition, is ready to deposit some amount to the credit of the crime number, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.226 of 2021, within a period of fifteen (15) days and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the **learned Judicial Magistrate, Tittagudi** 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 and on further condition that:



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(a)the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of Crime No. 226 of 2021 before the concerned Magistrate within a period of fifteen (15) days and the wife of the deceased is permitted to withdraw the said deposit amount of Rs.50,000/- on proper identification and acknowledgment;

(b)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the first petitioner is directed to appear before the respondent police every Wednesday at 10.30 a.m for a period of three months and thereafter as and when required for interrogation. Insofar as the second petitioner is concerned, she shall appear before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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 anticipatory bail



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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]***; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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