



Crl.O.P.Nos.25289, 26169 & 26171 of 2023

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WEB C.V.KARTHIKEYAN, J.

The third and fourth accused in Crime No.707 of 2023 have filed Crl.O.P.No.25289 of 2023, the first accused has filed Crl.O.P.No.26169 of 2023 and the second accused has filed Crl.O.P.No.26171 of 2023, both in the same Crime No.707 of 2023, registered by the respondent originally under Sections 174 Cr.P.C., later altered to Section 306 IPC. The first and the second accused are father and son. Third and the fourth accused are Civil Engineers, who have developed contact with the first and second accused owing to the electrical contract business run by the first accused.

2.It is the case of the prosecution that according to the defacto complainant/wife of the deceased, her husband had been called for an enquiry by all the accused persons, who had gone over to their house regarding an alleged theft in the premises of the first and second accused. It is stated that thereafter he had come home in a dejected state of mind and had committed suicide. It is also stated that there were injuries on her husband.



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3.The learned Senior Counsel for the third and fourth accused/petitioners in Crl.O.P.No.25289 of 2023 stated that the petitioners herein are not at all connected with the electrical company run by the first accused. It must be stated that the first accused is infact a sub contractor with another company called Ocean Life Spaces India Private Limited. The learned Senior Counsel stated that the third and fourth accused are only civil engineers and have nothing to do with the said company. It is stated that there are several contractors and they have no role to play either with regard to the theft of the articles or in the manner in which the deceased was handled by the first and second accused. It is therefore stated that anticipatory bail should be granted to the third and fourth accused/petitioners in Crl.O.P.No.25289 of 2023.

4.The learned counsel for the first accused, father of the second accused who had filed Crl.O.P.No.26169 of 2023 also stated that the first accused was running a sub contract business in the name of Sri Venkateswara Engineering and the deceased was working there. It was alleged that in the C.C.T.V. they had found that the deceased had stolen certain electrical items and in order to enquire about the same, they had gone over to the house of the deceased and called him for an enquiry and it is stated that this was insisted by their Principal Contractor/Ocean Life Spaces India Private Limited. It is stated



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that no further incident had happened. Since CCTV also revealed it is the deceased who had stolen the properties, it had been stated that he would have got the property. The learned counsel stated that the first accused had no role and has no direct responsibility for the commission of suicide by the deceased.

5.The learned counsel for the second accused/son of the first accused/petitioner in Crl.O.P.No.26171 of 2023, stated that the second accused is an Engineering graduate and stated that the only allegation against him is that he drove the Car to and from the house of the deceased and stated that he had not participated in the enquiry and therefore stated that he was completely innocent of the incident which happened leading to the commission of the suicide by the deceased.

6.The learned Government Advocate (Crl.Side) appearing for the respondent, however stated that though in the CCTV it reflected that the deceased had stolen the electrical items, the accused had taken the steps of going over to the his house and calling him for enquiry and it is stated that during the course of enquiry, they had also taken him to the shop where the electrical items were sold and also made him to agree that he was responsible for an earlier theft committed. It is also stated that the post mortem report



revealed that there were ante mortem injuries on the body of the deceased and the opinion of the post mortem Doctor was that, those ante mortem injuries were the result of the force applied and could not come under the classification of the injuries sustained in a motor accident as stated and as proclaimed by the learned counsel for the first and second accused. He had also stated that the earlier anticipatory bail application of the first and second accused had been dismissed by this Court, taking note of the fact that there were ante mortem injuries on the deceased.

7.I have carefully considered the arguments advanced. This is a case where the four persons who are indirectly connected, but who are connected owing to the electrical contract business run by the first accused in which the third and fourth accused though may not be directly employed by the first and second accused, had all taken law in their hands. They had apparently found, by viewing the C.C.T.V., that the deceased had stolen some articles from their premises. If they had so observed, the only option available to them was to report it to the police authorities and lodging a complaint and insisting registration of FIR on the ground of theft and for the law to take its own course. On the other hand, they had taken a conscious decision of going over to the



house of the deceased and brought him to the premises of the first accused,

where it is stated he was subjected to various questions and thereafter, he had also, on the next date committed suicide. One specific factor is that there were ante mortem injuries on the body of the deceased, which naturally implies that force was used during questioning by the accused persons. It is a moot question whether the second and third accused jointly questioned the deceased or all the four accused jointly questioned the accused or only the first accused had questioned the deceased. That issue will have to be examined during the investigation. If the petitioners are absconding and not participating in the investigation, this aspect can never be determined by the investigating officer. By all account, they should have surrendered and stated the facts before the investigating officer. If they had caused injuries to the deceased prior to committing suicide, then they are answerable for causing the injuries. As stated, the individual role can be determined only if they are interrogated. Investigation can never even start if the accused are absconding. This is not where a person had committed suicide of free Will and for filmsy reasons. He was wholly assaulted and injuries had been caused.

8.In view of these facts, since after the dismissal of the anticipatory bail application, so far as the first and second accused are concerned, there is no



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change in circumstances and there is no progress in the investigation, I am not inclined to grant anticipatory bail to the petitioners herein. Accordingly, these Criminal Original Petitions stand dismissed.

17.11.2023

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C.V.KARTHIKEYAN, J.

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