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Crl.O.P.No.389 of 2024

C.V.KARTHIKEYAN,J.

The petitioner is an accused in Cr.No.767 of 2023 registered by the respondent police for the offence originally under Section 174 of Cr.P.C and later altered into Sections 294(b) and 306 of IPC seeks anticipatory bail.

2. It is the case of the prosecution that the deceased, already owed amount of Rs.1,15,000/- to the petitioner and was also engaged as a labourer in the sugar cane fields of the petitioner. It is stated that the petitioner engaged somebody else and there was a quarrel which ultimately forced the deceased to take the extreme step of committing suicide.

3. The learned counsel for the petitioner stated that the cause and effect are not proximate and there could have been also other reasons for the defacto complainant committing suicide.

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4. Let me rest of that as these are issues to be examined during the course of trial. But, I would place on record, the statement made the petitioner herein would not demand the existing loan of Rs.1,15,000/- from any of the family members of the deceased and additionally also deposit a sum of Rs.1,00,000/- to the credit of Cr.No.767 of 2023 as small compensation towards the family of the deceased.

5. It is made clear that by this deposit, the petitioner does not admit to commission of any offence or being responsible for the suicide of the defacto complainant. It is also made clear that the legal heirs of the deceased can claim any further compensation in appropriate Court in the manner known to law. If they do so, this amount of Rs.1,00,000/- may be adjusted with any amount declared to be paid to the defacto complainant.

6. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail with following conditions

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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-I, Panruti*** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, 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:

[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 deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Cr.No.767 of 2023 before the learned Judicial Magistrate-I, Panruti within a period of two weeks from the date on which the order copy made ready and on such deposit, the learned Magistrate may hand it over to the defacto complainant/husband of the deceased on proper identification and affidavit.**

[c]the petitioner shall report before the respondent police

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everyday at 10.30 a.m., for a period of two weeks and thereafter 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 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].**

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

31.01.2024

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