



Crl.OP.No.1926 of 2024

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C.V.KARTHIKEYAN,J.

The petitioners/A3 to A4 in Crime No.707 of 2023 registered by the respondent originally under Sections 174 Cr.P.C., later altered to Section 306 IPC. A1 and A2 are father and son. The petitioners herein/ A3 and A4 are Civil Engineers employed with a Company by name Ocean Life Spaces India Private Limited, Chennai, and who had 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 earlier application seeking anticipatory bail was dismissed on 17.11.2023. The learned counsel for the petitioners states that the scope of work of petitioners is only to supervise the civil works being done in the site and they are not all connected with the electrical company run by the first accused. A1 had subsequently taken into judicial custody and granted bail. A2 is still absconding.

4 .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 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.

5. 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



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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 co-accused. He had also stated that the earlier anticipatory bail application of the A1 and A2 had been dismissed by this Court, taking note of the fact that there were ante mortem injuries on the deceased.

6. It is reiterated by the learned counsel for the petitioners that these petitioners have no connection what so ever with A1 or A2. They are independent contractors. They are only gone over to the house of the deceased to bring him to A1 and A2.

7. It is contended that they did not know the purpose for which the A1 and A2 had wanted the petitioners herein to bring the deceased. The matter had been circulating before this Court and adjournments have granted. This Court wanted the respondent to take efforts to secure A2 who is still absconding.



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8. The learned Government Advocate (CrI.Side) appearing for the respondent stated that necessary steps have been taken to secure A2.

9. Taking into consideration that the investigation would have proceeded to a substantial extent and also the documents now filed about the work orders done by the petitioners herein which shows that they are independent contractors, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned District Magistrate-Cum-Judicial Magistrate, Madhavaram* on condition that each of the petitioners shall execute separate bonds 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



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anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders .

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

11. It is made clear that grant of anticipatory bail to these petitioners should not be used as a precedent for grant of any relief to A2 who is deliberately absconding from the judicial process.

12. A copy of this order copy may be forwarded to the learned District Munsif-Cum-Judicial Magistrate, Madhavaram and also to the learned Principal Sessions Judge at Thiruvallur who may take note of the caveat placed by this Court that the grant of anticipatory bail to these petitioners should not be used as a precedent for granting any relief for A2 in so far as in FIR in Cr.No.707 of 2023 is concerned registered by the M-3 Puzhal Police Station, Chennai-600 066.

13. With the above directions, this Criminal Original Petition is ordered.

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