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Crl.O.P.No.12292 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12292 of 2024

Magi @ Magesh

... Petitioner/Accused No.1

Vs.

The State represented by,
The Inspector of Police,
Anaicut Police Station,
Chengalpattu District.

(Crime No.152 of 2024).

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, pending investigation in Crime
No.152 of 2024, on the file of the respondent Police.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.04.2024 for the offences punishable under Sections 294(b), 448, 379 & 306 of IPC, in Crime No.152 of 2024, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner is the first accused in Crime No.152/2024. The the defacto complainant's husband, namely Selvam, was an employee of the petitioner herein and was also running a petty shop in the premises of the third accused. There were some amounts due to the petitioner from the deceased Selvam and therefore, one day the petitioner had scolded the deceased using filthy language in public and apparently confiscated his two wheeler. Incensed with the behaviour of the petitioner, the deceased Selvam committed suicide on 27.04.2024. Hence the complaint has been filed.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent person, who is no way connected with the alleged offence, and a false complaint has been foisted against him. The petitioner is not responsible for the death of the deceased Selvam. It is further submitted



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that the petitioner had arranged for a loan amount of Rs.50,000/- for the deceased Selvam, from M/s.Sriram Finance Company and stood as a guarantor and had also arranged a petty shop for the deceased Selvam to lead his livelihood. Suppressing the said facts, complaint has been filed by the wife of the deceased Selvam alleging that the petitioner committed offence under the above said sections. The petitioner is in custody from 28.04.2024. He further submitted that the petitioner is also 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's husband i.e., deceased Selvam was abused with filthy language in public view by the petitioner and the petitioner also confiscated Selvam's two wheeler which is yet to be returned by the petitioner, due to which deceased Selvam committed suicide. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to grant bail to the petitioner subject to petitioner complying with the condition for returning the two wheeler of the deceased Selvam to the defacto complainant in the presence of the respondent Police within a period of seven days from the date of receipt of a copy of this order along with certain conditions.

7. Accordingly, the petitioner is directed to return the two wheeler of the deceased Selvam to the defacto complainant before seven days of the passing of this order, without prejudice to his rights and contentions, in the presence of the respondent Police and on such return, 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 District Munsif cum Judicial Magistrate, Cheyyur, Chengalpattu District**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

[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.

22.05.2024

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Note:

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The District Munsif cum
Judicial Magistrate,
Cheyyur, Chengalpattu District.
2. The Inspector of Police,
Anaicut Police Station,
Chengalpattu District.
3. The District Jail,
Chengalpattu,
Chengalpattu District.
4. The Public Prosecutor,
High Court of Madras.



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C.SARAVANAN.,J.

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