



Crl. O.P. No.25922 of 2024

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P. DHANABAL.J.,

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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 108 of B.N.S. in connection with the Cr. No.252 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 17.09.2024, one Kalaimani, committed suicide by hanging himself in a tree near Poovazhai to Alumelumangapuram Road. The case was initially registered for suspicious death at Puduchatram Police Station, Cuddalore and the investigation reveals that a video was recorded by the deceased before his death and in the said video, it is alleged that the deceased was engaged in a contract work at Okkiyam, Thoraipakkam Village, Chennai and the Supervisor namely Rajkumar and the petitioner herein, being the consultant engineer, had failed to make the necessary payments for the work completed by the deceased. Due to the non-payment, the deceased was subjected to mental harassment, which drove him to commit suicide and hence the case.

3. The learned counsel for the petitioner would contend that the petitioner has been falsely implicated in this case for the offence under



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Section 108 of B.N.S.. On 17.09.2024, one Kalaimani committed suicide

by hanging himself in a tree. Thereafter, FIR was registered as suspicious death and on investigation, the respondent police had seized a video recorded by the deceased alleging that this petitioner and a supervisor failed to make payments towards the work completed by the deceased and due to which, he was subjected to mental torture and hence he committed suicide and thereafter, this petitioner was arrayed as an accused in this case. In fact, there is a money dispute between the deceased and the construction company owner. On 25.01.2024, a construction agreement was duly executed between the owners of the property and JK Constructions and the petitioner, being a renowned architect was appointed as a consultant responsible for supervising the construction and all the payments were to be made exclusively by the owners and the financial transactions / payments happened directly between the owners and the deceased. The deceased, on several occasions, failed to complete the scheduled work within the time frame as agreed with the owners. and there is a money dispute between the deceased and construction owners. Thereby, he committed suicide. This petitioner is nothing to do with the commission of offence. Hence, the petitioner may be released on bail.



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4. The learned Government Advocate (Criminal Side) would submit that the deceased committed suicide by hanging himself and initially the case was registered for suspicious death and thereafter, during the investigation, they seized a video recorded by the deceased, through which it came to know that this petitioner, being a consultant engineer and the supervisor, had failed to make necessary payments for the work completed by the deceased and due to the non-payment, he was subjected to mental harassment and committed suicide. Investigation is at initial stage and hence he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the fact that there is a money dispute between the deceased and the construction owners, who had entered into an agreement and this petitioner is an employee of the construction company and his duty, being the consultant engineer, is only to supervise the construction and to report before the owners in respect of execution of work and even according to the prosecution case, this petitioner failed to make necessary payments for the work completed by the deceased, but this petitioner, being the consultant engineer is nothing to do with the payments between the



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deceased and the construction company and there is no previous case pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

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 **District Munsif-cum-Judicial Magistrate, Parangipettai** 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10 a.m. until further orders.

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;



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[d] the petitioner 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 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 269 B.N.S.2023.

28.10.2024
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To

1.The District Munsif-cum-Judicial Magistrate, Parangipettai



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2. The Public Prosecutor, High Court, Madras.

3. The Inspector of Police, Puduchatram Police Station, Cuddalore District.

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