

CRL OP NO. 1531 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 1531 of 2025

Krishnamoorthi,
S/o. Venkataraman,
residing at
Mallinayanapalli, Elumichangiri, Kammaampalli (P.O),
Kriahnagiri District.

Petitioner(s)

Vs

The State Rep.By, The Inspector Of Police,
Maharajakadi Police Station,
Krishnagiri District ,(Crime No.11 of 2025)

Respondent(s)

For petitioner(s): Mr. P.M. Jayachandran

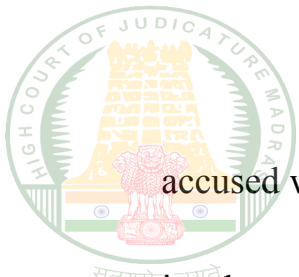
For Intervener(s) : Mr. P. Aravindhan, for Mr. I. Kabilan

For Respondent(s): Mr. S.Santhosh, Government Advocate (Criminal Side).

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 108 and 56 of the Bharatiya Nyaya Santiya (BNS) 2023, in Crime No.11 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is the complainant, and there was a dispute between the de-facto complainant and the



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accused with regard to the administration of the Temple. Further, the allegations

is that the petitioner, along with other accused harassed the de-facto complainant by making false allegations on him. This resulted in the de-facto complainant suffering mental agony and leading him to commit suicide by pouring diesel and setting himself on fire. Hence, this case.

3. Learned counsel for the petitioner submits that the petitioner is innocent person, who has been falsely implicated in this case. He also submits that, as per the dying declaration statement and the complaint given by the de-facto complainant, the case of abetment is not made out. Further, he submits that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays that anticipatory bail be granted to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent Police submits that the deceased and the accused belongs to the same village. The petitioner, along with the other accused had a dispute regarding the maintainance of the Temple since 2018. The deceased/de-facto complainant, along with others from the Village, asked for ledger and other details of the Temple, which led to a dispute. Thereafter, the petitioner, along



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with the other accused, lodged a complaint against the deceased /de-facto complainant alleging that he was involved in gambling. All the accused, including the petitioner herein signed the complaint. Due to this frustration, the deceased/de-facto complainant committed suicide by pouring diesel, resulting in 65% of burn injuries. He was declared dead by the doctor. The deceased gave a dying declaration before two learned Judicial Magistrates, and the same was recorded, in which he specifically mentioned the names, viz., Samundi (A6), Ashokkumar (A7), Subramani @ Kutty (who was already arrested), Jayaganthan (A13) and Ramachandiran (A14). The petitioner herein is the accused/A2. There are no previous cases pending against the petitioner.

5. The learned counsel appearing for the intervener/ de-facto complainant has vehemently opposed granting anticipatory bail to the petitioner, stating that the petitioner, along with other accused continuously harassed the de-facto complainant and his family members in high-handed manner, resulting the de-facto complainant/victim committing suicide by self-immolation.

6. Heard the learned counsel for the petitioner and the learned Government

Advocate (Criminal Side) and also perused the materials available on record,



including the dying declaration of the victim/de-facto complainant.

7. Considering the nature of the offence charged against the petitioner and also taking note of the fact that in the dying declaration, the deceased/de-facto complainant specifically mentioned the names of the accused/ Samundi (A6), Ashokkumar (A7), Jayaganthan (A13) and Ramachandiran (A14), in which, the petitioner's name was not mentioned, this Court is inclined to grant anticipatory bail. Accordingly, the remaining 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 of receipt of a copy of this order, before the **learned Judicial Magistrate No.II, Krishnagiri District.** 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner and the sureties shall affix their photographs and



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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;

[c] the petitioner shall stay at Madurai and report before the Othakadai Police Station daily at 10:30 P.M., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during the investigation or during the trial;

[e] the petitioner shall not abscond either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

**28-01-2025
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A.D. JAGADISH CHANDIRA, J.

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To

1.The State Rep.By, The Inspector Of Police,
Maharajakadi Police Station,
Krishnagiri District ,(Crime No. 11 of 2025)

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