



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Tenth day of August Two Thousand Fifteen

PRESENT

THE HON'BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.15388 of 2015

SHANMUGADURAI

... PETITIONER/SOLE ACCUSED

Vs

STATE REP BY INSPECTOR OF
EAST POLICE STATION, KOVILPATTI,
TUTICORIN, TUTICORIN - DISTRICT.
(CRIME NO. 576 OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.BALAMURUGAPANDI Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC. 438 CR.P.C.

ORDER : The Court Made the following order :-

The petitioner/Sole accused apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Section 174 Cr.P.C. altered to Section 306 I.P.C. in Crime No.576 of 2015 on the file of the respondent police and hence, Seeks anticipatory bail.

2. According to the de-facto complainant Viz., Mariappan, his father borrowed Rs.1,000/- from the accused about four years ago and he was paying interest and due to his inability, he stopped paying the interest and that he was questioned by the accused. Hence, his father consumed poison and he was saved by the de-facto complainant. It is further alleged that since the accused demanded further interest, on 31.07.2015 his father committed suicide by hanging.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case only due to the reason that both the accused and the de-facto complainant belonging to the same political party but in different faction. Even according to the de-facto complainant, earlier the deceased attempted to commit suicide and he was rescued by the de-facto complainant and by this second time he died.

4. The learned counsel for the petitioner further submitted that the deceased had borrowed money from very many persons and for non-payment of principal as well as interest, the creditors have questioned the de-facto complainant and therefore, the deceased was sent out from the house. It is further submitted that the entire reading of the complaint would not make out the ingredients for the offence punishable under Section 306 I.P.C.



5. Heard the learned Government Advocate (Crl.side).

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kovilpatti, Tuticorin District and on 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
10/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI, TUTICORIN DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KOVILPATTI AT TUTICORIN DISTRICT.
3. STATE REP BY INSPECTOR OF EAST POLICE STATION,
KOVILPATTI, TUTICORIN, TUTICORIN - DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR\, MADURI BENCH OF MADRAS HIGH COURT
MADURAI.

+1. CC to M/S.D.BALAMURUGAPANDI Advocate SR.No.45282

ORDER
IN
CRL OP(MD) No.15388 of 2015
Date :10/08/2015

GJM/KBM/SAR-II -12.8.15/2P/6C