



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

Friday, the Eighteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.24219 of 2015

WEB COPY

BOOPATHY

... PETITIONER/ACCUSED -1

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
B1 TOWN POLICE STATION,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
REF.CR.NO. 219/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.SHANMUGARAJA SETHUPATHI Advocate
For Respondent : MR.K.ANBARASAN,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody for the alleged offence punishable under Sections 323 and 302 of the Indian Penal Code in Crime No.219 of 2015 on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the deceased Shalini, who was a school going girl, is the daughter of the defacto complainant. She fell in love with one Saravanan. The defacto complainant advised her not to continue the relationship with Saravanan. The defacto complainant gave complaint to the respondent police against the said Saravanan. The petitioner and others also advised the deceased not to continue to talk with the said Saravanan. On 23.11.2015, the deceased was found dead. On the complaint given by the defacto complainant, a case was registered for the offences under Section 174 Cr.P.C. and subsequently, it was altered into Sections 323 and 302 I.P.C.

3. The case of the petitioner is that he is innocent and he has not committed any offence as alleged by the prosecution. His name has been falsely implicated in the F.I.R.. Even in the statement given by the defacto complainant, his name was not mentioned and hence, he prayed for bail.



4. The learned Government Advocate (Crl.Side) submitted that the deceased was in love with one Saravanan and the same was objected by her family members and therefore, she was depressed. On 23.11.2015, she was found dead. On investigation it was found that the deceased was assaulted by the petitioner in her house and on the next day morning, the deceased was found dead.

5. Considering the facts and circumstances of the case and also considering the fact that originally the case was registered for the offences under Section 174 Cr.P.C. as suspicious death. The defacto complainant and her son did not implicate the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions. Accordingly, 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 Judicial Magistrate No.I, Ramanathapuram and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders.

sd/-
18/12/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, RAMANTHAPURAM.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER-IN-CHARGE,
SUB-JAIL, RAMANATHAPURAM.
- 5 THE INSPECTOR OF POLICE
B1 TOWN POLICE STATION, RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

+1. CC to M/S D.SHANMUGARAJA SETHUPATHI Advocate SR.No.72685

Akm/18.12.2015/ 2p- 7c/NGM/SS/SAR-I