



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

Wednesday, the Eighteenth day of November Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21736 of 2015

L.KANAGARAJ

... PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KEERANORE POLICE STATION,
PALANI TALUK,
DINDIGUL DISTRICT.
[IN CRIME NO. 324 OF 2015]

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.R.SURESHKUMAR Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

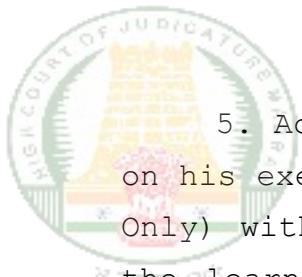
The petitioner, who was arrested and remanded to judicial custody on 21.10.2015 for the offences punishable under Sections 306 I.P.C r/w Sections 3 and 4 of Tamil Nadu Prohibition of Charging of Exorbitant Interest Act, 2003 in Crime No.324 of 2015 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased borrowed a sum of Rs.6,00,000/- from the petitioner, who is doing money lending business, for purchasing a vehicle. Thereafter, the deceased failed to repay it. When it was demanded by the petitioner, he committed suicide by hanging in a tree nearby the petitioner's house.

3. Heard the learned Government Advocate (Crl.Side), who would oppose for grant of bail to the petitioner.

4. Considering the above submissions and on perusal of the records, I am of the view that initially, a case was registered under Section 174 Cr.P.C, which was later altered into 306 I.P.C. Whether the ingredients under Section 107 Cr.P.C is attracted or not, it is a matter for the Court to decide. There is no need for custodial

<https://hcservices.courts.madras.gov.in/hcservices/> Hence, this Court is inclined to grant bail to the petitioner.



5. 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, Palani, and on further condition that:

[a] the petitioner shall report before the respondent Police daily twice i.e at 10.30 a.m. and 5.00 p.m. until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
18/11/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, PALANI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE OFFICER-IN-CHARGE,
DISTRICT PRISON, DINDIGUL.
- 5 THE INSPECTOR OF POLICE
KEERANORE POLICE STATION, PALANI TALUK, DINDIGUL DISTRICT.

+1. CC to M/S S.R.SURESHKUMAR Advocate SR.No.65919

akm/18.11.2015 /2p-7c/