



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

Wednesday, the Fifth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8386 of 2017

KARUPPAIAH

... PETITIONER / 1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO. 355 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. M.S.JEYAKARTHIK Advocate

For Respondent : MR.A.RAMAR Additional Public Prosecutor

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

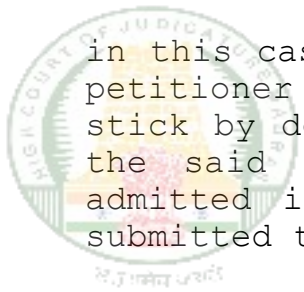
ORDER : The Court Made the following order :-

The petitioner / A1, who was arrested on 12.06.2017 for the offences punishable under Sections 294(b), 323, 506(ii) IPC @ 294 (b), 323, 506(ii) and 306 IPC in Crime No.355 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased borrowed Rs.5000/- from the petitioner before 1½ years from the date of occurrence and he repaid Rs.2,850/-. Hence, when the petitioner asked the balance amount, a dispute arose between the deceased and the petitioner. Due to which, the deceased committed suicide by consuming poison.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to the mental depression, the deceased committed suicide. He also submitted that the petitioner has not instigated or abutted the deceased and the petitioner was arrested and in custody from 12.06.2017 onwards. He also relied upon a judgment of this Court reported in 2014 3 MLJ (Crl) 18 (Mani Vs.State Rep by The Inspector of Plice, J-3 Guindy Police Station, Chennai 32.

4.The learned Additional Public Prosecutor submitted that initially the case was registered against the petitioner and another person and subsequently, the petitioner was arrayed as sole accused



in this case by removing another person. He also submitted that the petitioner along with another person attacked the deceased with stick by demanding the balance amount and due to the inducement of the said demand, the deceased have consumed poison and he was admitted in a hospital where he died on 16.06.2017. He further submitted that investigation is pending.

5. Considering the facts and circumstances of the case and considering the fact that the occurrence took place on 10.06.2017 and the deceased committed suicide only on 16.06.2017, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) 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 Judicial Magistrate, Paramakudi;

(ii) the petitioner is directed to appear before the respondent Police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

05/07/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 OFFICER IN CHARGE,
DISTRICT JAIL, RAMNAD.
- 4 THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION, RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. M.S.JEYAKARTHIK Advocate SR.No.25896

ORDER IN

CRL OP(MD) No.8386 of 2017

Date :05/07/2017