

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.30508 of 2018

RAJINI @ SIGAMANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.
CR. NO. 487 OF 2018.

For Petitioner : M/S.K.S.ARUMUGAM Advocate

For Respondent : MRS.V.SARATHADEVI Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

1. This petition has been filed by the accused seeking bail for an offence under Sec.306 I.P.C. in Crime No.487 of 2018 on the file of the respondent.

2. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in the above case. He has further submitted that the case of the prosecution is that the deceased and the defacto complainant borrowed a sum of Rs.1,25,000/- from the petitioner herein and when the petitioner demanded to repay the said amount, the deceased committed suicide. He has further submitted that the alleged act would not attract the offence under Sec.306 I.P.C. He has further submitted that the petitioner has been arrested on 06.12.2018 and remanded to judicial custody and till today, he is in judicial custody. He has further submitted that the investigation in the above case might have been completed by this time and hence, he prayed to grant bail.

3. Per contra, the learned Public Prosecutor submitted that the deceased and his son viz., Suresh (defacto complainant) have borrowed a sum of Rs.1,25,000/- from the petitioner and since they could not repay the said amount, the petitioner went to the house of the defacto complainant and scolded the deceased by using filthy words. Hence, the deceased committed suicide. He has further submitted that the investigation is at the initial stage and hence, he strongly opposed this petition.

4. Taking into consideration of the fact that the deceased and his son (defacto complainant) borrowed a sum of Rs.1,25,000/- from the petitioner and also taking into consideration of the submission of the learned counsel for the petitioner that the petitioner just made demands for repayment of the loan and it was not alleged that the petitioner has done any positive act for abetting the deceased to commit suicide and also the fact that the petitioner is in custody from 06.12.2018, this court is inclined to allow this petition by imposing conditions.

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 Judicial Magistrate No.I, Ponneri and on further conditions that:

[a] the petitioner shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[c] the petitioner shall not tamper with evidence or witness 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

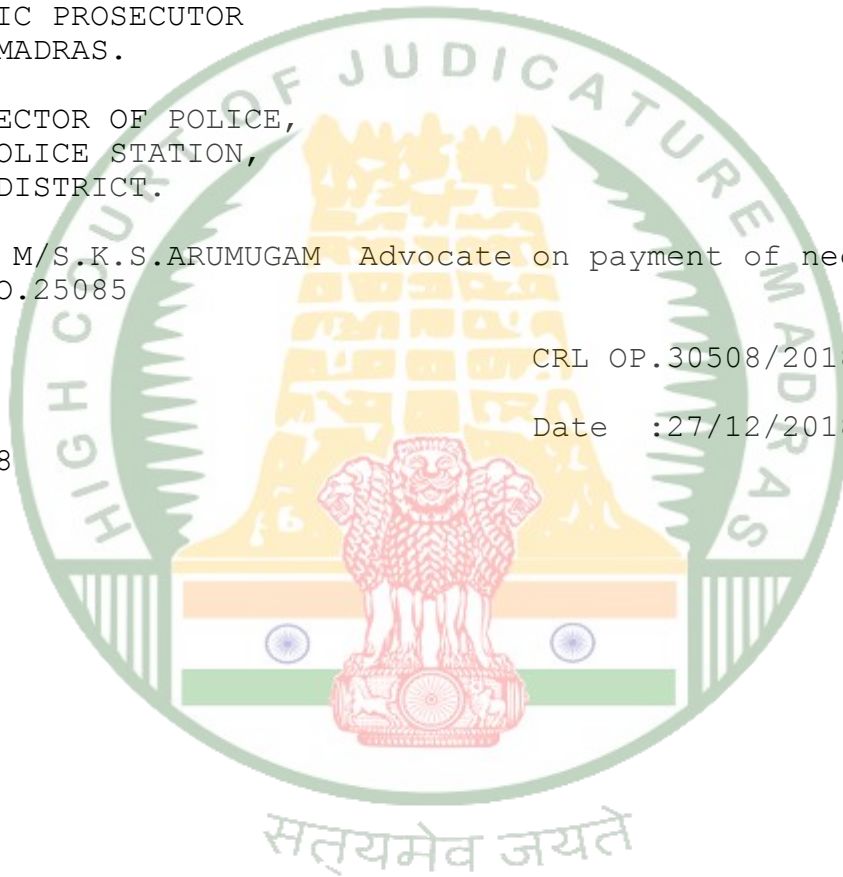
5 THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

+1CC to M/S.K.S.ARUMUGAM Advocate on payment of necessary
charges SR NO.25085

CRL OP.30508/2018

Date :27/12/2018

MK:27/12/2018



WEB COPY