



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3701 of 2018

RAJA

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.25 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner :MR.V.KATHIRVELU, Senior Counsel for
M/S.A.THIRUVADI KUMAR Advocate

For Respondent :MR.K.SUYAMBULINGA BHARATHI Govt. Advocate (Crl.Side)

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

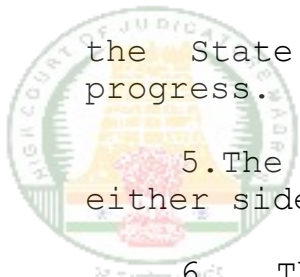
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, arrested and remanded to judicial custody on 18.02.2018 for the offence punishable under Section 306 of IPC in Crime No.25 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the defacto complainant lodged a complaint before the respondent police alleging that the petitioner herein is working as a Teacher in the school, in which the defacto complainant's son was studying in 12th Standard. On 12.02.2018, when his son returned from school, he was looking dull and when the defacto complainant enquired him, he replied that the petitioner herein scolded and warned him not to come to school from the next day onwards. Thereafter, at 1.30 pm the defacto complainant went to his room and found that his son committed suicide and immediately, the defacto complainant took him to hospital, in the hospital, he was declared dead. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely in judicial custody from 18.02.2018. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for



the State submitted that investigation of the case is under progress.

5. The submissions made by the learned counsel appearing on either side are considered.

6. The petitioner is a Class Teacher of the deceased. It is alleged that during the time of occurrence, on 12.02.2018, due to the warning given by the petitioner, the deceased, who is a student, committed suicide. As of now, the petitioner is in judicial custody from 18.02.2018. Considering the nature of offence committed by the petitioner and also considering the nature of allegation levelled against the petitioner particularly, looking into mens rea, further custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail. 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai;

(ii) the petitioner is directed to appear before the respondent police daily at 6.00 p.m. until further orders;

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

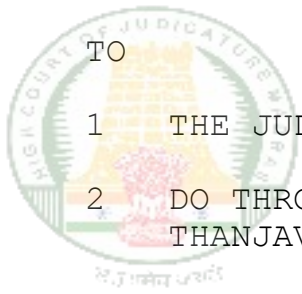
(iv) the petitioner shall not abscond either during investigation or trial;

(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/-
09/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER IN CHARGE,
SUB JAIL, PATTUKKOTTAI.

4 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.THIRUVADI KUMAR Advocate SR.No.3835

ORDER

IN

CRL OP(MD) No.3701 of 2018

Date :09/03/2018

MKV-PM-PN-SAR 4/9.3.2018/3P-7C