



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

Thursday, the Fourth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice **R.PONGIAPPAN**

CRL OP(MD) No.16859 of 2017

BRIGHT

... PETITIONER/PETITIONER/ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION,
KULASEKARAM,
KANYAKUMARI DISTRICT.
(CRIME NO.368 OF 2017)

... RESPONDENT/RESPONDENT/COMPLAINANT

MILTON

... PETITIONER/INTERVENER

For Petitioner : M/S.B.PRAHALAD RAVI, Advocate

For Respondent : M/S.K.S.DURAI PANDIAN,
Additional Public Prosecutor

For Intervener : Mr.C.GODWIN

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 14.11.2017 for the offence punishable under Section 306 IPC in Crime No.368 of 2017 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to civil dispute between the deceased and the petitioner, on 14.11.2017 the petitioner along with his brother have abused the deceased in filthy language and thereby, the deceased committed suicide by way of consuming poison.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offence, and pleads for grant of bail to the petitioner.



4.The learned counsel for the intervenor submitted that since the petitioner along with his brother abused the deceased in filthy language, the deceased committed suicide by consuming poison.

5.The learned Additional Public Prosecutor submitted that originally the case was registered at the first instance under Section 174 Cr.P.C. and thereafter, during the course of investigation, the same was altered into Section 306 IPC and the investigation is not yet completed.

5.Considering the submissions made on either side, it seems that initially, the case was registered under Section 174 Cr.P.C. and thereafter, during the course of investigation, the same was altered into Section 306 IPC, pursuant to which, the petitioner was arrested and remanded to the judicial custody on 14.11.2017. As per the submissions made by the intervenor, the petitioner and the deceased are having previous enmity, due to civil dispute. However, in order to decide the application, that aspect cannot be considered.

6.In this petition, as per the submissions made by the learned Additional Public Prosecutor part of the investigation is completed. Therefore, further custodial interrogation is not necessary for completing investigation in this case. However, considering the previous enmity between the petitioner and the deceased, this Court feels that the petitioner should be away from the native place.

7.Considering the above facts and circumstances, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Padmanabapuram.

(ii)the petitioner is directed to stay at Ramanathapuram and appear before the Inspector of Police, Town Police Station, Ramanathapuram daily at 10.00 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]**.

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sd/-
04/01/2018

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

TO

- 1 THE JUDICIAL MAGISTRTE,
PADMANATHAPURAM, KANYAKUMARI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION, KULASEKARAM,
KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, NAGERCOIL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 6 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
RAMANATHAPURAM.

+1. CC to M/S.B.PRAHALAD RAVI Advocate SR.No.152
+1cc to M/S.C.GODWIN, Advocate SR.No. 144

ORDER
IN
CRL OP(MD) No.16859 of 2017
Date :04/01/2018