



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

Thursday, the Twenty Fifth day of April Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP (MD) No.6039 of 2019

NAGARAJ

... PETITIONER / ACCUSED

Vs

STATE REP.BY  
THE SUB INSPECTOR OF POLICE  
THENI POLICE STATION,  
THENI DISTRICT.  
(CRIME NO.269 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.UTHAYAKUMAR, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,  
Government Advocate(Crl.Side)

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

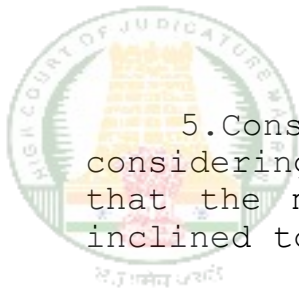
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 02.04.2019 for the offences punishable under Sections 174 Cr.P.C @ 306 of IPC in Crime No. 269 of 2019, on the file of the respondent police, seeks bail.

2. The defacto complainant is the son of the deceased. The case of the prosecution is that the defacto complainant borrowed money from the accused in which he is regularly paying the interest and recently due to some default in paying the interest, the petitioner entered into the defacto complainant's shop and had taken 144gms of silver, due to which the deceased consumed poison and committed suicide. Hence, the complaint.

3.The learned for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. Infact the deceased not repaid the amount for which when he question, the deceased consumed poison and he is not responsible for that. Accordingly, he prayed for bail.

4.The learned Government Advocate (Crl.Side) would submit that most of the investigation is over and waiting for post mortem report.



5. Considering the facts and circumstances of the case and considering the period of incarceration and considering the fact that the major part of the investigation is over, this Court is inclined to grant bail to the petitioner.

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Theni and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

25/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, THENI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL, PERIYAKULAM,  
THENI DISTRICT.
4. THE SUB INSPECTOR OF POLICE  
THENI POLICE STATION, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.A.UTHAYAKUMAR Advocate SR.No.7267

ORDER IN

CRL OP(MD) No.6039 of 2019

Date :25/04/2019