



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.6992 of 2019

V.KRISHNAN

... PETITIONER/ACCUSED No.1

Vs

STATE THROUGH,
THE SUB INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION,
IN CR.NO.136/2019

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.MARAN, Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl.Side)

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

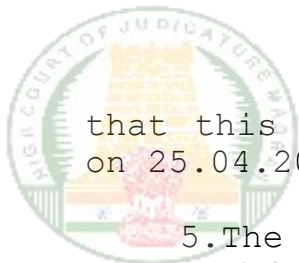
ORDER : The Court Made the following order :-

The petitioner/Accused No.1 who was arrested and remanded to judicial custody on 25.04.2019 for the offences punishable under Sections 294(b) and 506(ii) of IPC and under Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and then altered to Section 306 of IPC in Crime No.136 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.M.Maran, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the deceased borrowed a sum of Rs.5,00,000/- from the petitioner and he issued a cheque in favour of the petitioner for the said amount. Since the cheque presented by the petitioner was returned, he sent a legal notice to the deceased and after receiving the same, there was no reply from the deceased. Hence, the petitioner filed a petition under Section 138 of the Negotiable Instruments (N.I.) Act against the deceased before the learned Judicial Magistrate No.IV, Tirunelveli. Thereafter, on 21.04.2019, at about 2:00 p.m., the petitioner demanded the loan amount from the deceased and threatened him using filthy language, due to which the deceased committed suicide on 23.04.2019. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted



that this petitioner was arrested and remanded to judicial custody on 25.04.2019. He is languishing in the jail for the past 21 days.

5. The learned Government Advocate (Crl. Side) opposes for the grant of bail as the investigation is yet to be completed.

6. The deceased has committed suicide as the petitioner demanded the loan amount and abused him. Two days prior to the occurrence, the petitioner has filed a complaint under section 138 of the N.I. Act and there was exchange of legal notice prior to the occurrence.

7. Taking into consideration of the fact that a substantial portion of the investigation is over and also the fact that the petitioner has already suffered incarceration for more than 21 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

8. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tirunelveli and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the respondent police daily at 10:30 a.m. till the completion of investigation;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-

15/05/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.IV,
TIRUNELVELI
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI
 3. THE SUB INSPECTOR OF POLICE
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI
 4. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.M. MARAN Advocate SR.No.8353

ORDER
IN
CRL OP(MD) No.6992 of 2019
Date :15/05/2019

STS
PK/JC/SAR-2/17.05.2019 : 3P/7C