



WEB COPY

CRL OP(MD). No.10675 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10675 of 2019

1.T.Arputharaj

2.M.Karthikeyan @ Karthick

... Petitioners/A-1 AND A-3

Vs

State rep.by

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District
Crime No.323 of 2019

... Respondent/Complainant

For Petitioners : M/s.A.K.Manickam,
Advocate.

For Respondent : Mr.V. Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

for bail in Crime No.323 of 2019 on the file of the respondent police

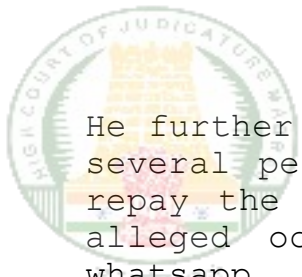
ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 3 seeking bail for the alleged offence under Sections 364(A), 342 and 306 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003.

2. Heard both sides

3. The learned counsel for the petitioners would submit that as per the First Information Report, the second accused has taken the deceased from his house and detained him in a lodge namely Mahalakshmi mansion at kovilpatti-Illayarasanenthal road . He further submitted that the defacto complainant has not seen the occurrence and she had stated about the incident only on assumption.

<https://hcservices.ecourts.gov.in/hcservices/>



He further submitted that admittedly the deceased borrowed loan from several persons including the petitioners herein , but he did not repay the said debts. He further submitted that even before the alleged occurrence date, the deceased has sent message through whatsapp to all the creditors stating that he is going to commit suicide. He further submitted that the petitioners were arrested and remanded to judicial custody on 01.07.2019 and from that date onwards they are in custody. He further submitted that by this time investigation might have been completed and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the deceased borrowed amount from several persons including the petitioners herein and invested the said amount with one Vishnu Praveen and one Rajamanickam and since his debtors did not repay the amount, the deceased could not repay to his creditors and he further submitted that on 29.06.2019 A2 along with one person went to the house of the deceased and forcibly taken the deceased from his house and detained him in the lodge namely Mahalakshmi mansion at kovilpatti-Illayarasanenthal road and all these petitioners criminally intimidated the deceased by demanding to repay the debts immediately. Hence the deceased committed suicide by hanging himself on 20.06.2019 at 04.00p.m. Hence, he strongly opposed this petition.

5. A perusal of the First Information Report shows that the said First Information Report was registered based on the complaint given by one Vimala Rani who is the wife of the deceased and she has not stated in the First Information Report that she has witnessed the said occurrence. She has stated that only on enquiry she came to know about the aforesaid facts. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 37 days and by this time a major portion of the investigation might have been completed, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are 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.II, Kovilpatti.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-
07/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT
- 4.THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.K.MANICKAM Advocate SR.No.13017

ORDER
IN
CRL OP(MD) No.10675 of 2019
Date :07/08/2019

aav
TK/VR/SAR.2/07.08.2019/3P/7C