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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10765 of 2019

Jeyaraj

... Petitioner/Accused-3

Vs

State Rep.by

The Sub Inspector of Police,

Suchindrum Police Station,

Kanniyakumari District.

(Crime No.282 of 2019).

... Respondent/Complainant

For Petitioner : M/s.G.V.Vairam Santhosh,
Advocate.

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

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

PRAYER :-

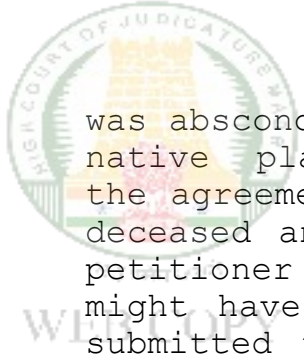
for bail in Crime No.282 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused No.3 seeking bail for the alleged offence under Sections 294(b), 306 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Exorbitant Interest Act 2003.

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is in no way connected with the other three accused persons. He further submitted that the deceased simson has entered into an agreement with the petitioner's daughter Jegatha for constructing a house on 28.01.2016 and also received a sum of Rs.50,000/- but subsequently he did not construct any house and he



was absconding and only in the year 2018, the deceased came to his native place and the petitioner demanded to construct house as per the agreement or return the amount. He further submitted that the deceased and his wife have consumed poison on 23.06.2019 and the petitioner is in no way connected with the said occurrence and they might have consumed poison due to some other reason. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 26.06.2019 and he is in custody for the past 35 days. He has also produced a xerox copy of the agreement executed between deceased simson and the petitioner's daughter Jegatha. Therefore he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor has fairly conceded that the petitioner's daughter entered into an agreement with the deceased on 28.01.2016 for constructing a house and the deceased had received a sum of Rs.50,000/-. He further submitted that on 23.06.2019 the petitioner herein along with other accused persons went to the house of the deceased and criminally intimidated them and they demanded money and hence the deceased and his wife consumed poison and the deceased died. However he opposed the bail petition on the ground that investigation is not yet completed.

5. Taking into consideration of the fact that the deceased entered into an agreement with the defacto complainant's daughter on 28.01.2016 for constructing a house and received a sum of Rs.50000/- and subsequently he did not construct the house and also failed to return the amount and also the fact that the petitioner is in custody for the past 35 days, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District

[b] the petitioner 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 petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 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.R.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/-

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL,
KANYAKUMARI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE OFFICER INCHARGE, DISTRICT PRISON,
NAGERCOIL.
 4. THE SUB INSPECTOR OF POLICE,
SUCHINDRUM POLICE STATION, KANNIYAKUMARI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.V.VAIRAM SANTHOSH Advocate SR.No.12674

ORDER

IN

CRL OP(MD) No.10765 of 2019

Date :01/08/2019

MS/VR/SAR-2/01.08.2019/3P.7C