



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.12578 of 2019

S. Mahesh,

... Petitioner/Accused

Vs

State rep. By
The Inspector of Police,
Rajakkamangalam Police Station,
Kanyakumari District.
(Crime No.147/2019).

... Respondent/Complainant

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

For Respondent : A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

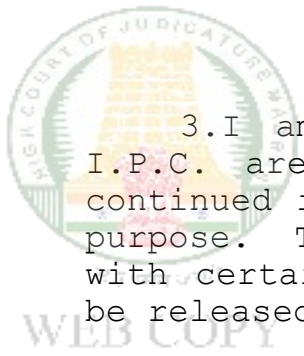
PRAYER :-

For Bail in Crime No.147 of 2019 on the file of the respondent

ORDER : The Court made the following order :-

The petitioner is in custody since 23.08.2019 for the offence under Section 306 of I.P.C.

2.The defacto complainant in this case is one Chandran. The deceased/Manikandan was nephew of the defacto complainant. It appears that the petitioner and the deceased were in consensual homosexual relationship. In the meanwhile, the petitioner's marriage was fixed. That appears to have pushed the deceased/Manikandan to a state of depression and he committed suicide on 19.08.2019. Before committing suicide, he had written suicide note, in which, he had squarely blamed the petitioner herein.



3.I am of the view that the ingredients of Section 306 of I.P.C. are not at all attracted in this case. In any event, continued incarceration of the petitioner is not going to serve any purpose. Therefore, I am inclined to enlarge the petitioner on bail with certain conditions. 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.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Nagercoil.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
09/09/2019

/ TRUE COPY /

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

TO

1. Judicial Magistrate No.I, Nagercoil.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Officer Incharge, District Prison,
Nagercoil, Kanyakumari District.
4. The Inspector of Police,
Rajakkamangalam P.S., Kanyakumari
District. (Crime No.147/2019).



5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.G.V.VAIRAM SANTHOSH, Advocate Sr. No.15099

ORDER
IN
CRL OP(MD) No.12578 of 2019
Date : 09/09/2019

TR/PN/SAR-IV (09.09.2019) 3P 7C