



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11144 of 2021

Marimuthu

... Petitioner/Accused-3

Vs

The State rep.by,
The Inspector of Police,
S.S.Colony Police Station,
Madurai City.
(Crime No.532 of 2021)

... Respondent/Complainant

For Petitioner : Mr.P.Manimaran,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Bail in Crime No.532 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 16.06.2021, for the offences punishable under Sections 306 IPC and 9 of TNPCEI Act, in Crime No.532 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased borrowed money from the petitioner and other accused. On the date of occurrence, i.e. on 14.06.2021, the petitioner and other accused tortured the deceased demanding exorbitant interest from the deceased, due to which, he committed suicide by hanging.

3. The learned counsel for the petitioner submits that this is the second bail application. The first bail application filed in Crl.O.P.(MD) No.9567 of 2021 was dismissed by this Court, by order dated 20.07.2021, on the ground that the investigation is not completed. But, till date, the Investigating Agency has not filed any final report. Since he is in prison for the past 64 days, he is entitled for grant of bail under Section 167(2) of Cr.P.C.



4. The learned Additional Public Prosecutor fairly concedes that final report has not been filed.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that final report has not been filed so far, this Court is of the view that the petitioner is entitled for grant of bail under Section 167(2) of Cr.P.C.

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, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 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.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/-

18/08/2021

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/ /2021

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI CITY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11144 of 2021

Date :18/08/2021

OGY

MK/PN/SAR.II/18.08.2021/3P/6C