



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/12/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.21033 of 2021

Akila

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Thottiyam Police Station,
Thottiyam, Trichy District.
(Crime No.399 of 2021)

... Respondent/Complainant

For Petitioner : Mr.T.Vadivelan,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

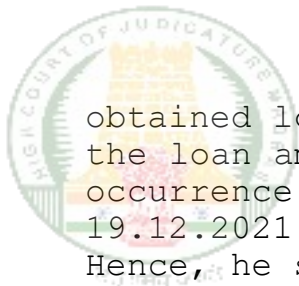
PRAYER :-For Bail in Crime No.399 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner /Accused No.1, who was arrested on 19.12.2021 for the offences punishable under section 306 of I.P.C., in Crime No. 399 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased namely, Mehala borrowed a sum of Rs.1,00,000/- from the petitioner and her elder sister and also paid interest regularly. When she failed to pay interest for a period of one year, the petitioner and her elder sister demanded the amount received by the deceased and abused the deceased with filthy language directly and over phone. Because of that, on 09.12.2021 at about 03.30 p.m, the deceased poured petrol on her body and set fire and committed suicide. Hence, this complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submitted that the



obtained loan from the savings of several persons. To avoid to repay the loan amount, the petitioner was roped in this case. Further, the occurrence took place on 09.12.2021 and complaint given only on 19.12.2021. After a lapse of 11 days, this complaint was given. Hence, he seeks bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) submitted that Dying Declaration was also recorded by the concerned Magistrate and there is no previous case against the petitioner.

5. Considering the period of incarceration and also considering the fact that there is no averment against this petitioner in Dying Declaration and the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner with stringent conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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, Musiri, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days.

sd/-

29/12/2021

/ TRUE COPY /

/ /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, MUSIRI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
- 4 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, THOTTIYAM, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.21033 of 2021

Date :29/12/2021

TMG/DSS

<https://hmcwebportal.mca.gov.in/cser/12.2021/2P/6C>