



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31780 of 2022

Pugal Nesan

...Petitioner

Vs.

State rep. by
The Station House Officer,
Puduchathiram Police Station,
Cuddalore District.

(Crime No.496 of 2022)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused on bail in Crime No.496 of 2022 on the file of the respondent police.

For petitioner : Mr.S.Silambuselvan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 01.12.2022 for the offence under Section 306 of IPC, in Crime No.496 of 2022, on the file of the respondent police seeks bail.



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2. The case of the prosecution is that the defacto complainant's son was running Agricultural Pesticides and Fertilizer shop in the name of VSK Agencies at Thandeshwanagar, Chidambaram, and the defacto complainant's son had sold pesticides to the petitioner and others and on receipt of the purchase the petitioner along with others failed to repay the said amount. Therefore, the defacto complainant's son committed suicide by hanging. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he is in no way connected with the alleged offence. He would further submit that already the petitioner paid a sum of Rs.3.2 lakhs out of Rs.5 lakhs. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner purchased Pesticides and Fertilizers from the defacto complainant's son and failed to repay the said purchase due to which, the defacto complainant's son committed suicide. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the facts and circumstances of the case, and also taking note of the fact that investigation is completed, this Court is inclined to grant bail to the petitioner on condition that **the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.496 of 2022, within a period of two weeks from the date of receipt of a copy of this order.**

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 District Munsif cum Judicial Magistrate, Parangipettai, 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 on every Tuesday and Saturday at 10.30 a.m for a period of one month and thereafter, as and when required for interrogation.

[c] the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.496 of 2022, within a period of two weeks from the date of receipt of a copy of this order.



[d] the wife of the deceased is permitted to withdraw the said amount by way filing an appropriate application.

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[e]the petitioner shall not tamper with evidence or witness during trial;

[f]the petitioner shall not abscond during investigation/trial;

[g]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]***; and;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

22.12.2022

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To

- 1.The District Munsif cum Judicial Magistrate, Parangipettai.
- 2.The Station House Officer,
Puduchathiram Police Station,
Cuddalore District.
- 3.The Central Prison, Cuddalore.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI,J.

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