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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19198 of 2022

Karuppu @ Karuppasamy

... Petitioners/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.264/2022).

... Respondent/Complainant

For Petitioner : M/s.Ilayaraja R, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

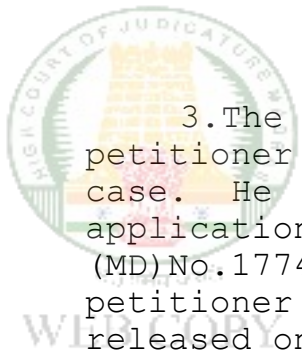
PRAYER :-

For Bail in Crime No.264/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.09.2022 for the offences punishable under Sections 4 & 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Section 306 IPC, in crime No.264 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the deceased is the younger son of the defacto complainant. He had worked at Iron Leath. They used to borrow loan for interest from the petitioner and others. Thereafter, they failed to pay the interest. Hence, the petitioner and others repeatedly demanded the amount through phone. Due to the repeated demand, on 15.09.2022 at about 10.30 p.m, the defacto complainant's younger son namely, Prakash Raj committed suicide by hanging himself. Based on the complaint given by the mother of the deceased, present case came to be registered.



3.The learned counsel for the petitioner would submit the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second bail application. Earlier application filed by the Petitioner in Crl.OP (MD)No.17749 of 2022 was dismissed by this Court, on 14.10.2022. The petitioner is in judicial custody from 16.09.2022, hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that totally 4 accused are involved in this case. The petitioner was arrayed as A2. 7 witnesses have been examined. The investigation is yet to be completed. Hence, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the facts that the petitioner is in judicial custody from 16.09.2022 and 7 witnesses have been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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.II, Sivakasi.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)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/-

31/10/2022

/ TRUE COPY /

31/10/2022

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, 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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER INCHARGE, SUB JAIL, SRIVILLIPUTHUR.
 - 4 THE INSPECTOR OF POLICE, THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.ILAYARAJA, Advocate (SR-12107[I] dated 31/10/2022)

ORDER
IN
CRL OP(MD) No.19198 of 2022
Date :31/10/2022

DSS
RS/SBN/SAR.1(31.10.2022) 3P-7C