



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.2618 of 2023

WEB COPY

Mariappan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Veeravanallur,
Tirunelveli District.
Crime No.15 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Sathyachidhambaram S, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.15 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.01.2023, for the offence punishable under Section 306 of I.P.C in Crime No. 15 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the victim has invested a sum of Rs.30,000/- in the Chit Scheme run by the accused. Even after maturity, the accused did not return the amount to the victim and he has abused him and instructed the victim/deceased to die. Thereby, the victim had committed suicide on 18.01.2023. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Non return of amount may itself not amount to abetment to commit suicide. Subsequently, the money dispute has also been resolved between the parties. The petitioner is in custody from 19.01.2023 and in this case major part of investigation has already been completed. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was running an unauthorized chit scheme, in which, the victim has invested Rs.30,000/-. Even after maturity, the



accused did not repay the amount and he abused and abused the victim to die. Due to which, the victim has committed suicide. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned **Judicial Magistrate, Cheranmahadevi, Tirunelveli District**, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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]**;

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/02/2023

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10/02/2023

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

PNM



TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE, VEERAVANALLUR, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SATHYACHIDAMBARAM, Advocate (SR-2169[I] dated
10/02/2023)

ORDER
IN
CRL OP(MD) No.2618 of 2023
Date :10/02/2023

RS (10.02.2023) 3P-7C