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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/03/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5315 of 2023

Subitha

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Aalankulam Police Station,
Tenkasi District.
Crime No.46/2023.

... Respondent/Complainant

For Petitioner : M/s.Sorimuthu V,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.46/2023 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 22.02.2023 for the offence under section 174 Cr.P.C @ 306 of IPC in Crime No.46 of 2023 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 defaulted in the payment and the petitioner herein often demanded the amount, tortured her. Unable to tolerate the same on 14.02.2023 the deceased committed suicide, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner has lend Rs.20,000/- to the deceased and thereafter she demanded more interest. Perusal of the suicide note reveals that she requested the concerned police to take appropriate steps to recover the original document which was pledged by the petitioner herein. There is absolutely no allegation



available to instigate or abet her to commit suicide. Tal to consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

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[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, Aalankulam and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/03/2023

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21/03/2023

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



AAV
TO

- 1 THE JUDICIAL MAGISTRATE,
AALANKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL KOKKIRAKULAM, TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
AALANKULAM POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.5315 of 2023
Date :21/03/2023

SA/SBN/SAR. /21.03.2023/3P/6C