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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2023

PRESENT

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

CRL OP(MD). No.7733 of 2023

Avvaiyar

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Cr.No.35/2023.

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik M.S.,
Advocate.
For Intervenor : M/s.P.Ganapathi Subramanian
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. 35/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 28.03.2023 for the offences under sections 174 of Cr.P.C @ 306 of IPC in Crime No.35 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the accused is the ward member of 2nd ward, Pasumpon Nagar and she has asked the villagers to give Rs.3000/- for arranging free patta, for which some of the villagers has given Rs.3000/- In these circumstances, the said villagers who gave money to the accused asked the accused to return back their money. Therefore the accused thought that the said Petchiammal wrongly said to the Villagers as against her, hence they asked repayment. Therefore the accused abused Petchiammal using filthy language, hence on 07.03.2023 she committed suicide by consuming pesticide and pressure pills, hence the case.



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

4. It is seen that initially First Information Report was registered for the offence under section 174 of Cr.P.C and subsequently altered to section 306 of IPC. Suicidal note also produced before this court by the respondent which reveals that the petitioner scolded her in filthy language. However soon before her death there is no instigation or abetment by the petitioner to commit suicide. Taking into consideration the facts and submissions made by the learned counsels also the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following 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 No.I, Srivaikundam 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 daily at 10.30 A.M. and 5.30P.M., for a period of four weeks and thereafter 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/-

25/04/2023

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25/04/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVAIKUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3 THE INSPECTOR OF POLICE
MURAPPANADU POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KOKIRAKULAM.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.JEYAKARTHIK.M.S, Advocate (SR-6538[I] dated 25/04/2023
)

ORDER

IN

CRL OP(MD) No.7733 of 2023

Date :25/04/2023

SS/VR/SAR /25/04/2023/3P/7C