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CRL OP(MD). No.15151 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15151 of 2023

Vairam Poovalingam

... Petitioner/ Accused No.1

Vs

State represented by
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
Crime No.299 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.V.KATHIRVELU, Senior Counsel
for Mr.G.RADHAKRISHNAN, Advocate

For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.299 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused no.1 herein, who were arrested on 09.08.2023, for the alleged offence under Sections 306 of IPC in Crime No.299 of 2023, on the file of the respondent police, seeks bail.



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2. The case of the prosecution is that the defacto complainant is the husband of the deceased. The deceased borrowed a sum of Rs.40,000/- some 1 1/2 years prior to the occurrence. She was regularly repaying the amount on installment basis and because of the jobless nature, she could not repay the installments for two years. The money was borrowed through one Kishore @ Ajith. Some four days prior to the occurrence, one Janaki, Nathiya and Punitha, who are the relatives of Kishore @ Ajith came to his house, picked up quarrel with the deceased, insulting her to pay the money. On 04.07.2023, in the noon, the deceased informed the defacto complainant over phone stating that the officials from L&T Finance Company has come and demanded payment of money. So, he contacted the Branch Manager. The Branch Manager threatened him to pay the money immediately. After completing his work, he returned to his house, at that time, he found the deceased committed suicide. On enquiry, he was informed that about 3.30 pm, the Branch Manager, Kishore @ Ajith, Prakash and others came to his house for collecting money. At that time, they alleged to have defamed, insulted and harassed his wife. Because of the abusive words spoken by the above said persons, she committed suicide. On the basis of the above said occurrence, the case was registered for the offence under Section 306 of IPC, arraying several persons as accused.

3. The accused Nos.2 to 4, moved Crl.O.P.(MD)No.14833 of 2023 before this



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Court seeking anticipatory bail. In the above said order, the following observations have been made:

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"7. As mentioned in the preamble portion, it is seen that the deceased alleged to have borrowed money from L & T Finance Company through A1 namely Kishore @ Ajith. When defaulted the payment of installment, the relatives of A1 alleged to have picked up quarrel stating that the first accused is compelled by the above said Finance Company to pay the installments. On his behalf, they caused trouble and insulted also.

8. As mentioned above by the learned Senior Counsel appearing for the petitioners, the presence of these petitioners, at the time of alleged incident, is not mentioned in the FIR. The co-accused, who were present in the place of occurrence, have been arrested and released on bail. "

4. From the reading of the above said observation, it is seen that the presence of this petitioner in the place of occurrence is doubtful. He has been arrested and remanded to custody on 09.08.2023.

5. Learned Additional Public Prosecutor would submit that considering the pathetic situation of the family of the deceased, this petitioner may be directed to deposit some compensatory amount.

6. No doubt, the deceased belongs to a poor family. But except stating that



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when the husband of the deceased called the manager through phone, he made pressure upon him to pay the money, there is no specific allegation to that effect that he was also present in the place of occurrence when the above said abuse, humiliation was made by the co-accused. On that account, this Court is inclined to grant relief to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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.1, Karur, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
21/08/2023

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21/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN
TO

1 THE JUDICIAL MAGISTRATE COURT NO.I,
KARUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.



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3 THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KARUR.

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

+1 CC to M/s.G.RADHAKRISHNAN, Advocate (SR-12520[I] dated 21/08/2023)

ORDER
IN
CRL OP(MD) No.15151 of 2023
Date :21/08/2023

SA/SAR. /21.08.2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.