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1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 07/09/2023

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.16118 of 2023

Bakiyaraj : Petitioner/Rank Not Known

Vs.

The State rep. by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
(Crime No.217 of 2023)

: Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Bail in Crime No.217 of 2023 on the file
of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who was arrested and remanded to
judicial custody, on 24/08/2023 for the offences
punishable under section 306 IPC, in Crime No.217 of 2023
on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that his son Rajini is working as a Manager in Sivalinga Chit Funds Company. In the above said Chit Company, several persons belongs to his village were admitted. One Arumugam was a subscriber to the above said chit. After receiving the price amount, he absconded. So, the villagers made enquiry with his son over repayment of the chit amount. One Bakiyaraj went to his mother-in-law's house and picked up quarrel. So, the mother-in-law scolded his son. Over the above said humiliation and insult, he consumed poison, admitted in the hospital, but without responding to the treatment, he died, on 22/08/2023. On the basis of the complaint given by the de-facto complainant, a case was registered in Crime No.217 of 2023 under section 174 Cr.P.C.

3.During the course of the investigation, the case was altered to section 306 IPC implicating this petitioner stating that he has abetted the suicide of the deceased. He was arrested and remanded to judicial custody, on 24/08/2023. Ever-since, he is in custody.



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4. Seeking bail, this petition has been filed.

5. Heard both sides.

6. The earlier application filed by the petitioner before the II Additional District Judge, Trichy was dismissed, on 30/08/2023 in Cr.MP No.4222 of 2023. After that, this petition came to be filed.

7. The learned counsel appearing for the petitioner would submit that even as per the allegation made in the FIR, no specific overtact has been attributed, except stating that he picked up quarrel with the deceased over the repayment of chit amount; Actually, he is also one of the victims; No overtact can be attributed for attracting section 306 IPC.

8. Reading of the CD file shows that this petitioner alleged to have picked up quarrel, demanding return of the money, which was paid by him to the Chit Fund Company. On seeing the above said quarrel, the in-laws of the deceased alleged to have scolded, insulted the deceased. Over the above said issue, he has taken poison.



9. So the question, which arises for consideration is whether picking up quarrel by the petitioner with the deceased over the above said issue is sufficient enough to attract the offence under section 306 IPC, is a matter for consideration by the Investigating officer and trial. But *prima facie*, it is seen that no specific overtact can be attributed to this petitioner over the abetment of suicide, since the in laws only alleged to have scolded the deceased.

10. Whether this petitioner created circumstances, which drove the deceased to commit suicide is only a matter for consideration by the trial court. For that purpose, continuation of the judicial custody of the petitioner may not be required. But for the benefit of fair investigation process, bail may be granted to the petitioner on condition that he must appear before the respondent police daily and co-operate with the completion of the process of investigation by giving statement, setting out the facts and circumstances of the case, so that the investigation can be taken on the line.

11. Accordingly, the petitioner is ordered to be



released on bail on condition that he shall 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.III, Tiruchirappalli and on further condition that **the petitioner shall appear before the respondent police daily at 10.30 am until further orders.**

07/09/2023

Index:Yes/No
Internet:Yes/No

To,

- 1.The Principal district and Sessions Judge,
Tiruchirappalli.
- 2.The Inspector of Police,
Jeeyapuram Police Station,
Trichy.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Central Prison,
Trichy.



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6

G. ILANGO VAN, J

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