



CRL OP(MD). No.19737 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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1. Jeyaraj,

2. Vijayadevi,

... Petitioners/ Accused 1 & 2

Vs

The Inspector of Police,
Koodankulam Police Station, Koodankulam,
Tirunelveli District.
Crime No. 525 of 2023.

... Respondent/Complainant

For Petitioner : Mr.S.PALANIVELAYUTHAM,
Advocate.

For Respondent : Mr.RMS.SEETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.525 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who were arrested and remanded to judicial custody
on 13.10.2023 for the alleged offence punishable under Sections 294(b) and 306 IPC in

Crime No 525 of 2023, on the file of the respondent police, seek bail.



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2. The case of the prosecution is that the husband of the deceased borrowed a loan of Rs.2,50,000/- from the petitioners for the construction of the house. Since the said amount was not repaid, the petitioners came to the house of the deceased and abused her in filthy language and again, they have called the deceased over phone and abused her and hence, the deceased committed suicide. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in jail from 13.10.2023 and hence, seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have received exorbitant interest from the deceased for the debt amount and also abused the deceased over phone and hence, the deceased committed suicide. He would further submit that the investigation of the case is pending.

5. On perusal of the FIR and alleged suicide note written by the deceased it is noticed that the deceased stated three phone Nos. viz., 9677912569, 8124614228, 8056446362, from the said phone numbers the petitioners called the deceased and abused her for non payment of debt, hence, the deceased committed suicide. The respondent also verified with call details and reported that immediately before the



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occurrence i.e., on 12.10.2023, there is no call from the accused persons to the deceased.

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6. Considering the nature of allegations made against the petitioners in the FIR and also suicide note and immediate to the occurrence there is no call from the petitioners and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, Thirunelveli District and on further conditions that:

(i) the petitioners shall affix their photograph 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.

(ii) the petitioners shall appear before the trial Court once in a month i.e., on 1st working day of every English Calender month at 10.30 am until further orders;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial.



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(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
16/11/2023

/ TRUE COPY /

16/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE JUDICIAL MAGISTRATE,
RADHAPURAM, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI
DISTRICT.

4 THE OFFICER INCHARGE,
SPECIAL WOMEN SUB JAIL FOR WOMEN,
KOKKIRAKULAM, TIRUNELVELI DISTRICT.



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5 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION, KODANKULAM,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-16389[I] dated
16/11/2023)

ORDER
IN
CRL OP(MD) No.19737 of 2023
Date :16/11/2023

SA/SAR. /16.11.2023/5P/8C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.