



CRL OP(MD)No.22510 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 13.12.2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD)No.22510 of 2023

Boobathi Raja

... Petitioner/ Accused 2

Vs

The Inspector of Police,  
Somarasampet Police Station,  
Trichy District.  
Crime No.328 of 2023

... Respondent/ Complainant

For Petitioner : Mr.R.SENTHIL KUMAR, Advocate

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

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

PRAYER :- For Bail in Crime No.328 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 22.11.2023 for the alleged offence punishable under Section 174 Cr.P.C. altered into Section 306 IPC in Crime No.328 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's father has taken steps to sell his properties, for which, the relative of the defacto complainant, namely



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Palaniammal, informed that she will sell it for a higher price. Therefore, the father of the defacto complainant sold his land to the petitioner herein, without receiving any sale consideration. In spite of several demands, they have not paid the amount and hence, on 21.11.2023, the defacto complainant's father committed suicide by consuming poison. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 22.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is still pending.

5.On perusal of FIR, it is noticed that the reason for committing suicide is non-payment of the sale consideration for the sale deed dated 13.09.2021. The occurrence took place on 21.11.2023.

6.Considering the nature of allegations made against the petitioner and 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, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on condition to



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execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to the satisfaction of the learned Judicial Magistrate No.5, Tiruchirappalli and on further conditions that:

- (i) the petitioner shall appear before the trial Court on receipt of summons
- (ii) the petitioner shall not tamper with evidence or witness;
- (iii) the petitioner shall not abscond during trial.

(iv) On breach of any of the aforesaid conditions, the learned 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].

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

sd/-  
13/12/2023

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13/12/2023  
Sub-Assistant Registrar (C.S. )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

GNS  
TO  
1 THE JUDICIAL MAGISTRATE NO.5,  
TIRUCHIRAPPALLI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUCHIRAPPALLI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL JAIL, TRICHY.

4 THE INSPECTOR OF POLICE,  
SOMARASAMPET POLICE STATION, TRICHY DISTRICT.

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

+1 CC to M/s.R.SENTHILKUMAR, Advocate ( SR-17664[I] dated 13/12/2023 )

ORDER IN  
CRL OP(MD) No.22510 of 2023  
Date :13/12/2023

SA/SAR. /13.12.2023/4P/7C

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