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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 17/08/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.OP(MD)No.12181 of 2022

Karthik @ Otchi Karthik : Petitioner/A1

Vs.

The State represented by
The Inspector of Police,
Thirukogarnam Police Station,
Pudukottai District.

(Crime No.787 of 2021) : Respondent/Complainant

For Petitioner : Mr.G.Mathavan

For Respondent : Mr.T.Senthil Kumar

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

PRAYER:-C-38B.For Bail in Crime No.787 of 2022 on the
file of the Respondent Police.

ORDER:- The Court made the following order:-



The petitioner, who is arrayed as A1 was arrested, on 18/04/2022 and remanded to judicial custody for the alleged offence punishable under section 328 IPC, in Crime No.787 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that on 14/12/2021 at about 8.00 pm, his friends namely Karthick @ Otchi Karthick and Hakkim were provided Tydol Tablets by mixing the same with water, they injected. Because of the above said intoxication, he was taken to his house. On 15/12/2021, he lodged a complaint.

3.Heard both sides.

4.Originally, this petitioner was granted interim bail by the Principal Sessions Judge, Pudukkottai, in CrI.M.P.No.269 of 2022, dated 24/01/2022. Later, he defaulted in complying the condition. So he was arrested and remanded to judicial custody, on the basis of the order and ever-since, he is in custody.



5. Seeking bail, this petition came to be filed on the ground that ever-since from the date of the arrest, he is in custody. The earlier bail application that was moved by him came to be dismissed, on 07/06/2022 by the Principal Sessions Judge, Pudukkottai, in CrI.M.P No.2018 of 2022 on the ground that he is involved in more than six cases.

6. The learned Additional Public Prosecutor would submit that the offence of this nature is a serious one, which requires thorough investigation. According to him, efforts have been taken by the Government to include the Tydol tablet composition in the schedule 'H'. According to him, the composition of Tydol tablet is a dangerous one to the human life and if it is taken continuously for three days, the taker will die. This has become a menace in the area.

7. No doubt, serious allegation has been made and the petitioner is not having good conduct. But at the same time, it is seen that ever-since from the date of arrest, except for a short period, he is in custody. Even after a lapse of several months, no final report has been



filed before the concerned court. So, on that ground, this petition is liable to be allowed.

8. In view of the above facts and circumstances of the case, this court is inclined to grant bail to the petitioner with certain conditions. Accordingly, the **petitioner is ordered to be released on bail** on his executing 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.II, Pudukottai and on further condition that the petitioner shall report before the respondent police daily at 10.30 am until further orders.

17/08/2022

Index:Yes/No
Internet:Yes/No
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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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To,

- 1.The Inspector of Police,
Thirukogarnam Police Station,
Pudukottai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 3.The District Prison,
Pudukottai.



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G. ILANGO VAN, J

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