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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.12185 of 2022

S.Raja @ Vandaiyar Raja : Petitioner/Rank not
mentioned

Vs.

The State represented by
The Inspector of Police,
Thirukogarnam Police Station,
Pudukottai District.
(Crime No.769 of 2021) : Respondent/Complainant

For Petitioner : Mr.G.Mathavan

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

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

PRAYER :-C-24B.For Bail in Crime No.769 of 2022 on the
file of the Respondent Police.



The petitioner, who is arrayed as an accused was arrested, on 25/12/2021 and remanded to judicial custody for the alleged offence punishable under section 328 IPC and sections 21(a) and 27(a) of NDPS Act, in Crime No.769 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 her son namely Nitheesh Kumar picked up quarrel frequently demanding money. He was also informed that one Manikandan @ Parotta Mani, Hariharan and Santhosh Kumar were selling Tydol tablets, having intoxicating composition. He was also told that he used to inject the above said tablet by mixing with water. On 05/12/2021 at about 8.00 pm, the above said Nitheesh Kumar went out of the house, did not return. On 06/12/2021 at about 7.00 am, her son was found unconscious. On enquiry, he revealed that the accused persons intoxicated him with the above said tablet. On the basis of the above said information, the case was registered.

3.Heard both sides.



4.Originally, this petitioner was granted interim bail by the Principal Sessions Judge, Pudukkottai, in CrI.M.P.No.216 of 2022. Later, he defaulted in complying the conditions. 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 arrest, he is in custody. The earlier bail application that was moved by him before this court came to be dismissed, on 18/05/2022, in CrI.O.P(MD)No.9502 of 2022 on the ground that he is involved in more than 10 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 combination in the schedule 'X'. According to him, the composition of Tydol tablets is a dangerous one to human life and if it is taken continuously for three days, the taker will die and this will become a menace in the area.



7.It is seen that this petitioner has been granted interim bail by the Principal Sessions Judge, Pudukkottai and due to non-compliance of the condition, the interim bail was not extended. So on the basis of the warrant issued, he was arrested and remanded to judicial custody and ever-since, he is in custody. Now seeking bail this petition came to be filed on the ground that he is in custody ever-since from the date of the arrest.

8.No doubt serious allegation has been made against the petitioner and he 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 the sole ground, this petition is liable to be allowed.

9.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



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G. ILANGO VAN, J

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