



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Tuesday, the Twentieth day of September Two Thousand and Twenty Two  
PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

CRL OP(MD) No.16846 of 2022

WEB COPY

THAVASIMANI

... PETITIONER/SOLE ACCUSED

**Vs**

STATE REP.BY  
THE INSPECTOR OF POLICE  
THOOTHUKUDI CENTRAL POLICE STATION,  
THOOTHUKUDI.  
CRIME NO.206 OF 2022

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.MANO KUMAR, Advocate  
For Respondent : MR.E.ANTONY SAHAYA PRABAHAR,  
Additional Public Prosecutor

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

**PRAYER :** FOR BAIL IN CRIME NO.206 OF 2022 ON THE FILE OF THE  
RESPONDENT POLICE.

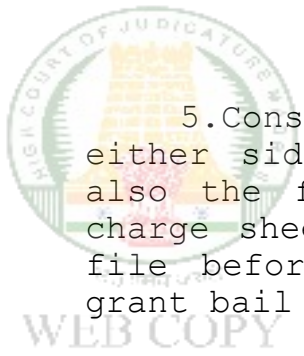
**ORDER :** The Court Made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 12.07.2022 for the offences punishable under Section 174 of Cr.P.C @ 302 IPC, in crime No.206 of 2022 on the file of the respondent police, seeks bail.

2.The case against the petitioner is that the petitioner compelled his own brother to consume poison and strangulated his neck and thereby, he had committed murder of the deceased. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the deceased came to his house in a drunken mood and quarreled with his parents and also tried to assault the petitioner. So, that the petitioner has locked the room and went to the de-facto complainant's house. He would further submit that the petitioner is innocent and he is no way connected with the offence alleged by the prosecution and he is in judicial custody from 12.07.2022.

4.The learned Additional Public Prosecutor would submit that investigation has been completed and the charge sheet has already been laid and the same was not taken on file before the concerned Magistrate. He would further submit that the petitioner is the brother of the deceased and that there is no previous case pending against him.



5. Considering the submissions made by the learned counsel on either side and also considering the period of incarceration and also the fact that the investigation has been completed and the charge sheet has already been laid and the same was not taken on file before the concerned Magistrate, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Thoothukudi.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the respondent police on every Sunday at 10.30 a.m., until further orders;

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

(iv) the petitioner shall not abscond during trial.

(v) 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].

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

sd/-

20/09/2022

/ TRUE COPY /

20/09/2022

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

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.

TO

1 THE JUDICIAL MAGISTRATE NO.II, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.



4 THE INSPECTOR OF POLICE, THOOTHUKUDI CENTRAL POLICE STATION,  
THOOTHUKUDI DISTRICT.

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

WEB COPY

ORDER

IN

CRL OP(MD) No.16846 of 2022

Date :20/09/2022

SJI

RS/SBN/SAR.2 (20.09.2022) 3P-6C