



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.12.2022

PRESENT

The Hon`ble Ms.Justice **R.N.MANJULA**

CRL OP(MD). No.23283 of 2022

A.Deepan Raj

... Petitioner/Accused No.3

Vs

The State through
The Inspector of Police,
Thataparai Police Station,
Thoothukudi District.
(Crime No.115 of 2022).

... Respondent/ Complainant

For Petitioner : Mr.M.Jerin Mathew,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.115 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 13.11.2022 for the offences punishable under Sections 302, 120(B) and 212 IPC, in Crime No.115 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons had conspired together and committed the murder of the deceased. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any murder and he had no overt act.



4. The learned Additional Public Prosecutor would submit that the petitioner brought the deceased to the scene of occurrence and left him there and thereafter, the accused 1 and 2 murdered the deceased.

WEB COPY

5. According to the prosecution, the petitioner had brought the deceased to the scene of occurrence by knowing that the accused 1 and 2 are going to murder the deceased.

6. The learned counsel appearing for the petitioner would submit that the petitioner had no intention to murder the deceased and he has no role in the alleged occurrence. He would further submit that the petitioner is said to be in prison for more than 45 days and though the petitioner was bringing the deceased to the scene of occurrence, he has not participated in the crime and there is no specific overt act against him.

7. Considering the above facts and circumstances of the case and also considering the period of incarceration and also the fact that main allegations are as against A1 and A2, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8. 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, Ottapidaram, 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 daily 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/12/2022

WEB COPY

/ TRUE COPY /

28/12/2022

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

CSM

TO

1. THE JUDICIAL MAGISTRATE, OTTAPIDARAM, THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

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

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

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-15658[I] dated
28/12/2022)

ORDER
IN
CRL OP(MD) No.23283 of 2022
Date :28/12/2022

RK/MMS/SAR- (28/12/2022) 3P/7C