



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2023

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.802 of 2023

Layo ... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Thiruchendur Police Station,
Thoothukudi District.
Crime No. 149/2022.

... Respondent/Complainant

For Petitioner : M/s.Velmurugan.R,
Advocate.

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

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

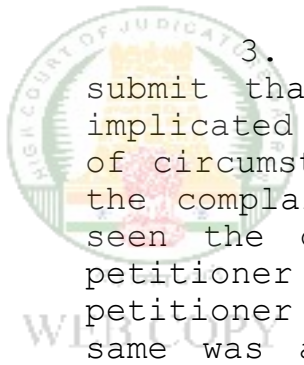
PRAYER :-

For Bail in Crime No. 149 of 2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial
custody on 19.04.2022 for the offences punishable under Sections 120
(B), 364, 201, 302 r/w.109 of IPC in Crime No.149 of 2022 on the file
of the respondent police, seeks bail.

2. The case came to be registered on the complaint given by
the Village Administrative Officer that a male body of a deceased
person was found in his limits. During the course of investigation
it came to light that due to previous enmity the petitioner along
with other accused have taken the deceased to a secluded place and
offered him alcohol and while he was in an inebriated condition the
petitioner along with other accused brutally assaulted him with
araval resulting him sustaining injuries and caused his death.
hence the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been wrongly implicated in this case. He would further submit that it is a case of circumstantial evidence and a case has been registered based on the complaint given by the Village Administrative Officer who has seen the dead body. He would further submit that earlier the petitioner was detained under Act. 14 of 1982 against which the petitioner has filed a petition in HCP(MD) No.1103 of 2022 and the same was allowed by this Court on 30.11.2022. He would further submit that the co-accused persons have been enlarged on bail by the lower court and the petitioner is in custody from 19.04.2022 for the past 280 days. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed on him and the he is also ready to furnish sufficient sureties, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity the petitioner along with other accused have taken the deceased to a secluded place, offered him alcohol and while he was in an inebriated condition the petitioner along with other accused brutally assaulted him with aruval resulting him sustaining several injuries and dying on the spot. He would further submit that though it is a case of circumstantial evidence the respondent police is having enough evidence to show that the petitioner is involved in the offence. He would further submit that the petitioner has two previous cases registered under Sections 307 and 506 (ii) of IPC, hence he objected to grant bail to the petitioner.

5. In reply the learned counsel for the petitioner would submit that the petitioner has not been convicted in any other cases so far and he would further submit that the taking into consideration the period of incarceration and that the co-accused have been enlarged on bail, the bail application of the petitioner may be considered.

6. Heard. Perused the materials available on record including the First Information Report.

7. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 II Additional District and Sessions Judge, Thoothukudi and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.



[c] the petitioner shall report before the responder daily at 5.30 P.M., until further orders.



[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/01/2023

/ TRUE COPY /

23/01/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE II ADDITIONAL DISTRICT AND SESSIONS
JUDGE, THOOTHUKUDI
2. THE SUPERINTENDENT, CENTRAL PRISON,
PALAYAMKOTTAI.
3. THE INSPECTOR OF POLICE
THIRUCHENDUR POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. VELMURUGAN.R Advocate SR.No.966

ORDER
IN
CRL OP (MD) No.802 of 2023
Date : 23/01/2023