



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/02/2023
PRESENT

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

CRL OP(MD) . No.2135 of 2023

Joll Brittes

... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
Crime No. 28 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Anand.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. 28 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 14.01.2023 for the offence punishable under Sections 147,148,447,294(b),427,435 and 506(ii) of IPC and section 3 of Explosive Substances Act, 1908 in Crime No.28 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity on the date of occurrence when the defacto complainant was sleeping in his house all the accused persons armed with deadly weapons entered into the house of the defato complainant abused the defacto complainant in filthy language and made life threat against him and set fire to his two wheeler, which was parked inside the compound wall by throwing petrol bomb and caused damage to the tune of Rs.30,000/-, hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is in custody from 14.01.2023, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused persons armed with deadly weapons entered into the house of the defacto complainant, abused the defacto complainant in filthy language and made life threat against him and set fire to his two wheeler, which was parked inside the compound wall by throwing petrol bomb and caused damage to the tune of Rs.30,000/-, hence he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

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

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also taking note of the fact that no previous case is pending against the petitioner, 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 Judicial Magistrate No.I, 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 stay at Nagercoil and report before the Kottar police Station daily at 10.30 a.m., and 5.30 pm., 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



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

sd/-

02/02/2023

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02/02/2023

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL.

+1. CC to M/S.ANAND.R Advocate SR.No.1648

ORDER

IN

CRL OP(MD) No.2135 of 2023

Date :02/02/2023

SA/SSS/SAR. /02.02.2023/3P/8C