



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P(MD)No.3067 of 2023

Titus @ Maria Antony Pitchiah Titus ...Petitioner/Accused No.1

-vs-

The State represented by
The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District.
(in Cr.No.29 of 2023)

...Respondent/Complainant

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

PRAYER :-

For Bail in Crime No.29 of 2023 on the file of the Respondent Police.

For Petitioner : Mr.S.Muniyandi, Advocate

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 14.01.2023 for the offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) of IPC in Crime No.29 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 14.01.2023, while the de-facto complainant, was in the bar, all the accused persons came there with aruval and knife and demanded liquor on free of cost. Since the de-facto complainant was not agreeable for the same, all the accused persons have abused the de-facto complainant in filthy language and also attempted to murder him with aruval and knife and also made criminal intimidation against him. Hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that this is the second petition for



bail and the earlier petition for bail in Crl.O.P.(MD) No. of 2023 was dismissed by this Court, by order, dated 02.02.2023 on the ground that the investigation is in preliminary stage. He would further submit that the case has been foisted for the purpose of detaining the petitioner under Act 14 of 1982. He would also submit that the very reading of the FIR would go to show that the case was registered for the purpose to show this case as a ground case. He would also submit that earlier a proposal was initiated by the respondent Police to detain the petitioner under Act 14 of 1982. He would also submit that during the course of argument on the bail application before lower Court, it was submitted that the proposal has been dropped. Now, the petitioner has been regularly appearing before the Court on all hearing dates in the previous cases and he is also ready to comply with any condition. Hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused unlawfully assembled together with deadly weapons and abused the de-facto complainant in filthy language and also attempted to murder him with aruval and knife and also made criminal intimidation against him. He would also submit that the petitioner is having 14 previous cases against him, out of which, five cases are for the offence under Section 307 of IPC and one case under Section 302 of IPC. He would also submit further that the investigation is pending and at this juncture, if the petitioner is released on bail, there is every possibility of him threatening the witness. Hence, he would object for grant of bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 14.01.2023, 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.1, Thoothukudi, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., and 06.30 pm until further orders;

(d) the petitioner shall not commit any offences of similar



(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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/02/2023

/ TRUE COPY /

22/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR
TO

- 1 THE JUDICIAL MAGISTRATE NO.1
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-2668[I] dated 22/02/2023)

ORDER
IN
CRL OP(MD) No.3067 of 2023
Date :22/02/2023