



WEB COPY



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

Date : 06/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4271 of 2023

Daniel Raj,

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Thalamuthu Nagar Police Station,
Thoothukudi District.
Crime No.100/2022..

... Respondent/Complainant

For Petitioner : M/s.Ananth C Rajesh,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.100/2023 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 15.03.2022 for the offences under sections 120(b),364,294 (b) and 302 of IPC in Crime No.100 of 2022 on the file of the respondent police seeks bail.

2. The case of the prosecution is that a dead was found at Siluvaipatti Beach at Thoothukudi and based on the information given by the defacto complainant the respondent police registered a case under 174 Cr.P.C and thereafter within two days the petitioner was arrested and remanded to judicial custody on 17.03.2022 and he was



detained under Act 14 of 1982. Subsequently the case was allocated for offences under sections 120(b), 364, 294(b) and 302 of IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been implicated as an accused based on the confession given by the co-accused. He would further submit that there is no eye witness to the said occurrence. The petitioner was arrested and remanded to judicial custody on 15.03.2022 and thereafter he was detained under Act.14 of 1982 and subsequently the detention order was challenged before this Court in HCP(MD) No.1565 of 2022 and the Hon'ble Division Bench of this Court had quashed the detention order vide order dated 28.10.2022. He would further submit that the investigation has been completed and final report has been filed before the learned I Additional District and Sessions Judge, Thoothukudi and the same has been taken cognizance in S.C. No.140 of 2022, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that in this case investigation has been completed and final report has been filed before the learned I Additional District and Sessions Judge, Thoothukudi and the same has been taken cognizance in S.C. No.140 of 2022

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 the fact that the investigation has been completed and final report has been filed before the learned I Additional District and Sessions Judge, Thoothukudi, 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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 trial Court 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 SCW 5560].

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

sd/-
06/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
THOOTHUKUDI.
 - 2 DO THROUGH,
THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI.
 - 3 THE INSPECTOR OF POLICE
THALAMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 4 THE OFFICER IN CHARGE,
DISTRICT JAIL, PERURANI, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- +1. CC to M/S.ANANTH C RAJESH Advocate SR.No.3415

ORDER
IN
CRL OP(MD) No.4271 of 2023
Date :06/03/2023