



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/04/2023
PRESENT

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

CRL OP(MD) . No.8368 of 2023

Nagaraj,

... Petitioner/Accused
(Rank Not Known)

Vs

The State rep.by
The Inspector of Police,
Thanjavur East Police Station,
Thanjavur District.
(Crime No.194 of 2023).

... Respondent/Complainant

For Petitioner : Mr.DHILIPAN PANDIAN.R.L,
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.194 of 2023 on the file of the Respondent Police

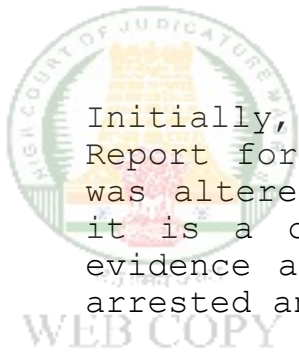
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 31.03.2023 for the offences punishable under Sections 174 of Cr.P.C @ 302 of IPC in Crime No.194 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 14.03.2023, the petitioner and the deceased along with his friends are said to have went out for consuming alcohol and during such drunken brawl, the petitioner pushed the deceased down and due to which, he died later. Hence, the case.

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

4.It is seen that when the accused persons and the deceased were under the influence of alcohol, the accused persons seems to have pushed him. Therefore, he fell down and sustained injuries on the back side of his head. Therefore, he was fainted. Immediately, he was taken to hospital, where, he was declared brought death.



Initially, the respondent police registered the First Information Report for the offence under Section 174 of Cr.P.C. Thereafter, it was altered into for the offence under Section 302 IPC. Therefore, it is a case of circumstantial evidence and there is no direct evidence as against the petitioner. That apart, the petitioner was arrested and remanded to judicial custody on 31.03.2023.

5. Considering the above facts and circumstances of the case and also considering 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur District, 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 respondent police daily at 10.30 A.M. and 05.30 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/-

28/04/2023

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



1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
THANJAVUR EAST POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.DHILIPAN PANDIAN.R.L Advocate SR.No.7066

ORDER

IN

CRL OP(MD) No.8368 of 2023

Date :28/04/2023

SA/SSS/SAR. /28.04.2023/3P/7C