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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.18569 of 2023

Chinnadurai

... Petitioner/ Accused No.1

Vs

State rep. by
The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.
Crime No.200 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.R.Anand, 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.200 of 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 08/08/2023 for the offences punishable under sections 147 and 302 IPC, in Crime No.200 of 2023 on the file of the respondent police, seeks bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that the deceased was working as Driver in Buvaneshwari Lorry Shed. On 02/08/2023, the deceased Rajesh Kannan as Lorry Driver in TN-69-BE-6099 transporting the iron rods from Pondicherry to Kerala. On 07/08/2023 at about 09.00 am, he was informed that when unloading the iron rods, weighing 3-1/2 tone was found deficient. So the petitioner, who is the owner of the Lorry enquired, abused and scolded him stating that he is responsible for the theft of iron rods. The petitioner alleged to have informed the other drivers namely Thangam, Periyasamy, Ajith Kumar and Poesakkimuthu. The above said drivers caused assault to the deceased on the way back to the Tuticorin. On 08/08/2023, the de-facto complainant was informed that the body of his son is lying near the Agni Engineering Works Company. At that time, he found various injuries on various parts of the body. Stating that this petitioner and others are responsible for the murder, he lodged a complaint, over which, a case in Crime No.200 of 2023 was registered for the offences stated above. The petitioner was arrested and remanded to judicial custody.

3.Seeking bail, this petition came to be filed by the petitioner, who is arrayed as A1. The earlier bail application was dismissed by this Court stating that investigation is in the preliminary stage.



4. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and is no way connected with the alleged offences.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that only at the instigation of this petitioner, the above said assault took place and investigation is almost over.

6. Considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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.III, Thoothukudi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
13/10/2023

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13 /10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1. The Judicial Magistrate No.III, Thoothukudi.

2. Do through the Chief Judicial Magistrate,
Thoothukudi District.

3. The Superintendent, Central Prison,
Palayamkottai, Tirunelveli.

4. The Inspector of Police,
SIPCOT Police Station,
Thoothukudi District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.ANAND, Advocate (SR-15119[I] dated 13/10/2023)

ORDER

IN

CRL OP(MD) No.18569 of 2023

Date :13/10/2023

SSA/13.10.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023