



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13284 of 2020

- | | |
|--------------------------|---------------------------|
| 1. K.Murugan @ Periyavan | ... Petitioner/Accused -1 |
| 2. R.Sakthivel @ Ayyar | ... Petitioner/Accused -2 |

Vs

State Rep. by The Inspector of Police, Taluk Police Station, Kumbakonam-612 001.	... Respondent
---	----------------

For Petitioners : M/s.Elephant G.Rajendranan, Advocate.	
For Respondent : Mr.K.Suyambulinga Bharathi, Government Advocate (Crl.Side)	

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

PRAYER :- For Bail in Crime No.1570 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 , who were arrested and remanded to judicial custody on 05.11.2020 for the offences punishable under Sections 294(b), 353,506(ii) of IPC r/w. Section 26(2) of Arms Act on the file of the respondent police seek bail.

2.The case of the prosecution is that the petitioners along with other were found in possession of sword and when the same was questioned by the defacto complainant, the petitioners herein threatened the defacto complainant with dire consequences and attempted to attack him. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are in jail for more than 30 days. Hence they may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that petitioners along with other were found in possession of sword and when the same was questioned by the defacto complainant, the petitioners herein threatened the defacto complainant with dire consequences and attempted to attack him. He would also submit that 27 previous cases are pending against the first petitioner and two previous cases are pending against the second petitioner.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall stay at Melmaruvathur and report before the Melmaruvathur Police Station daily at 10.30 a.m and 5.30 pm., until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/12/2020

/ TRUE COPY /

/ /2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE No.II,
KUMBAKONAM.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
TALUK POLICE STATION,
KUMBAKONAM-612 001.

5 THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR.

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

+1 CC to M/s.ELEPHANT G.RAJENDRAN, Advocate (SR-7946[I] dated
07/12/2020)

ORDER

IN

CRL OP(MD) No.13284 of 2020

Date :07/12/2020

AAV

TE/AKM/SAR-III : 08/12/2020 : 3P/8C