



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13353 of 2020

Balaguru

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Kumbakonam East Police Station,
Kumbakonam, Thanjavur District.
in Crime No.1447 of 2020.

... Respondent/Complainant

For Petitioner : M/s.V.Selvakumar,
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.1447 of 2020 on the file of the Respondent Police

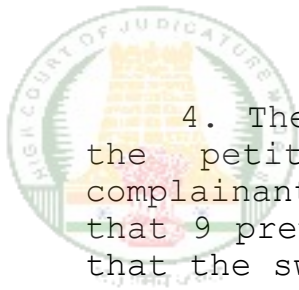
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 05.11.2020 for the offences punishable under Sections 294(b), 353,307 of IPC and Section 27(1) of Arms Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 05.11.2020 at about 5.00 pm., while the defacto complainant was on patrol duty the petitioner possessing long sword scratched the road with said sword and made fear to the passersby and when the police party attempted to catch him , he assaulted the defacto complainant and also criminally intimidated him.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in jail for nearly 25 days and hence he may be granted bail.

<https://hsr.scribd.com/document/511111111/13353-2020>



4. The learned Government Advocate(Crl.Side) would submit that the petitioner herein with sword threatened the defacto complainant, who is the Inspector of Police. He would also submit that 9 previous cases are pending against him. He would also submit that the sword has been recovered from the petitioner herein.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that sword has been recovered, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, 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 petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., until further orders.

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

iv) the petitioner 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 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].

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

sd/-
30/11/2020

/ 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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
KUMBAKONAM.

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

3 THE INSPECTOR OF POLICE,
KUMBAKONAM EAST POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, THANJAVUR.

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

ORDER

IN

CRL OP(MD) No.13353 of 2020

Date :30/11/2020

AAV

JM/PN/SAR II/30.11.2020/3P/6C