



WEB COPY

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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13777 of 2020

Suresh @ Sureshkumar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Papanasamy Police Station,
Thanjavur District.
Crime No.938/2020.

... Respondent/Complainant

For Petitioner : Mr.Veera Kathiravan, Senior Counsel
for M/s.Veera Associates, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

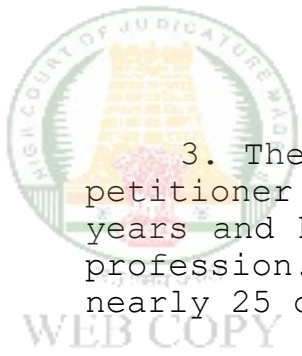
PRAYER :-

For Bail in Crime No. 938 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/ A2 herein was arrested and remanded to judicial custody on 06.11.2020 for the alleged offence under Sections 294(b), 353, 506(ii) of IPC r/w 25(1-A) of Arms Act, 1959, in crime no.938 of 2020, seeks bail.

2. The case of the prosecution is that totally there are two accused and the petitioner was arrayed as A-2 and the defacto complainant is Special Sub-Inspector of Police, Papanasam Police Station. The petitioner is practicing as Advocate. On 05.11.2020 at 08.00 p.m., during the vehicle check-up, the accused persons said to have found in possession of deadly weapons and the same was questioned by the respondent police, the accused persons criminally intimidated them. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is a practicing Advocate at Kumbakonam for the past 20 years and he has been practicing without any adverse remarks in his profession. He would also submit that the petitioner is in jail for nearly 25 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the accused persons criminally intimidated the respondent police.

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 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 sureties each for a like sum to the satisfaction of the learned District Munsif-Cum-Judicial Magistrate, Papanasam.

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., for a period of two weeks and thereafter as and when required for interrogation.

(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/-
02/12/2020

/ 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.

WEB COPY

TO

- 1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
 - 3.THE INSPECTOR OF POLICE,
PAPANASAMY POLICE STATION,
THANJAVUR DISTRICT.
 - 4.THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.23619

ORDER
IN
CRL OP(MD) No.13777 of 2020
Date :02/12/2020

KSA
TK/AKM/SAR.3/02.12.2020/3P/7C