



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

Date : 08/12/2020

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PRESENT

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

CRL OP(MD). No.13911 of 2020

Vedha @ Vedaselvam

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran, Advocate
for M/s.Veera Associates

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

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

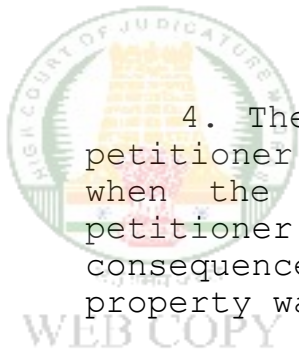
PRAYER :- For Bail in Crime No.938 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was 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.25(1-A) of Arms Act on the file of the respondent police seeks bail.

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

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 further submit that the petitioner is in jail for more than 30 days, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that petitioner along with other were found in possession of sword and when the same was questioned by the defacto complainant, the petitioner herein threatened the defacto complainant with dire consequences and attempted to attack him. He would also submit that property was recovered.

5. It is seen that there are totally two accused in this case and the petitioner herein is arrayed as A1. The petitioner herein along with other accused were found in possession in sword and the same was recovered.

6. 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:

7. 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 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 four weeks and thereafter before the respondent police 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/-

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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,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13911 of 2020
Date : 08/12/2020

AAV
JM/PN/SAR IV/08.12.2020/3P/6C