



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

Date : 10/12/2020

PRESENT

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

CRL OP(MD). No.14459 of 2020

Iniyavan

... Petitioner/Accused No.2

Vs

State rep.by
The Inspector of Police,
Ammapettai Police Station,
Ammapettai, Thanjavur.
Crime No.1305 Of 2020.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj,
Advocate.

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

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

PRAYER :-

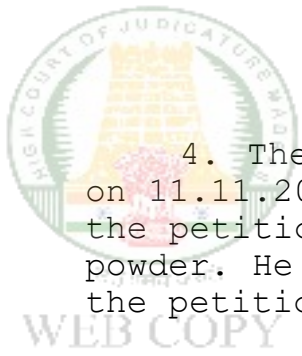
For Bail in Crime No.1305 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 11.11.2020 for the offences punishable under Sections 294(b), 506 (ii) of IPC r/w.Section 25(1A) of Arms Act,1959 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 11.11.2020 while the defacto complainant was on patrol duty found the petitioner along other person in possession of aruval and chilli powder. 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 also submit that only for statistical purpose the present case has been registered, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that on 11.11.2020 while the defacto complainant was on patrol duty found the petitioner along other person in possession of aruval and chilli powder. He would also submit that the aruval 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 aruval 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 sureties, out of which one shall be blood related surety 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 stay at Madurai and report before the Tallakulam Police Station daily at 10.30 a.m and 5.30 pm., for a period of four weeks and thereafter before the respondent police daily at 10.30 am., 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/-
10/12/2020

/ 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 DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
AMMAPETTAI POLICE STATION,
AMMAPETTAI, THANJAVUR.
- 4.THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-8023[I] dated 10/12/2020)

ORDER
IN
CRL OP(MD) No.14459 of 2020
Date :10/12/2020

AAV
TK/SMA/SAR.3/10.12.2020/3P/8C