



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 21/12/2020

PRESENT

WEB COPY

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

CRL OP(MD) . No.15012 of 2020

Vivek

... Petitioner/Accused No.1

Vs

State Rep. by  
The Inspector of Police,  
Swamimalai Police Station,  
Thanjavur District.  
(Crime No. 1151 of 2020).

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,  
Advocate.

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

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

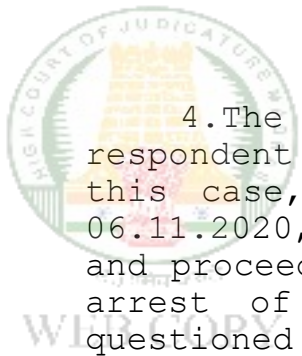
PRAYER :- For Bail in Crime No. 1151 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 06.11.2020 for the alleged offences under Sections 147, 148, 294(b), 353 and 506(ii) of IPC r/w Section 26(2) of Arms Act, in Crime No.1151 of 2020, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 06.11.2020, all the accused persons possessed with deadly weapons and proceeded to attack rival parties and also questioned about the arrest of their associate viz., Periyavan. When the defacto complainant intervened and while warning them, they said to have threatened the defacto complainant with dire consequences and also attempted to attack her. Hence, the present case.

3.The learned counsel appearing for the petitioner submitted that totally there are 21 accused in this case, in which, the petitioner has been arrayed as A1. He further submitted that co accused have already been arrested and released on bail by the lower Court. He further submitted that the petitioner is in jail for



4.The learned Government Advocate(Crl.Side) appearing for the respondent police submitted that totally there are 21 accused in this case, in which, the petitioner has been arrayed as A1. On 06.11.2020, all the accused persons possessed with deadly weapons and proceeded to attack rival parties and also questioned about the arrest of their associate viz., Periyavan, when the same was questioned by the defacto complainant, the petitioner and other accused persons said to have threatened her with dire consequences and attempted to attack her. He further submitted that the petitioner is having eight previous cases and he is a habitual offender.

5.It is seen that totally there are 21 accused in this case, in which, the petitioner has been arrayed as A1. On the date of occurrence, all the accused persons have possessed with deadly weapons and attempted to attack the defacto complainant. Even according to the prosecution, the petitioner and other accused persons said to have threatened the defacto complainant with dire consequences.

6.Taking note of the above facts and circumstances of the case and also taking into consideration the fact that co accused have already been arrested and released on bail by the Court below and 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 Judicial Magistrate No.2, 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 stay at Tharapuram and report before the Tharapuram Town Police Station daily Morning at 10.30 a.m and Evening 05.00 p.m for a period of six weeks and thereafter, report before the respondent police daily at 10.30 a.m 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

<https://hccourts.courts.gov.in/Kse6/hasji> vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-  
21/12/2020

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

COPY TO:

THE INSPECTOR OF POLICE,  
THARAPURAM TOWN POLICE STATION,  
THARAPURAM.

ORDER  
IN  
CRL OP(MD) No.15012 of 2020  
Date :21/12/2020

VSG  
JM/PN/SAR IV/21.12.2020/3P/7C