



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

Date : 02/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19666 of 2019

J.Prabhu

... Petitioner/Accused Rank not known

Vs

State through the
Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.
(Crime No.159/2019).

... Respondent/Complainant

For Petitioner : Mr.P.Ganapathi Subramanian, Advocate
for M/s.R.Venkateshwar, Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 159/2019 on the file of the Respondent Police.

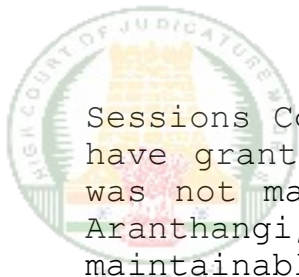
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 22.12.2019 for the offences under sections 147, 148, 332 of IPC and Section 3 of TNPPDL Act, in Crime No.159 of 2019 on the file of the respondent police. He seeks bail.

3. The learned Government Advocate rightly points out that without moving the Sessions Court, the petitioner had directly moved this Court.

4.No doubt, the petitioner had filed a bail petition before the learned Judicial Magistrate, Arnathangi and the same was dismissed. But the case on hand is an offence triable by the



Sessions Court. Therefore, the learned Judicial Magistrate could not have granted bail to the petitioner herein. Even the bail petition was not maintainable. Therefore, the learned Judicial Magistrate, Aranthangi, was right in dismissing the bail petition as not maintainable.

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5. In fact, the petitioner could not have moved this Court by by-passing the sessions Court. Eventhough, the submission of the learned Government Advocate is right, I do not want to dismiss it on a technical ground. The petitioner is not having any previous case. The damage has been assessed as Rs.19,000/-. The learned counsel for the petitioner on instructions states that without prejudice to the petitioner's defense, a sum of Rs.19,000/- (Rupees Nineteen Thousand only) will be remitted to the credit of the Crime No.159 of 2019 on the file of Manamelkudi Police Station, before the learned Judicial Magistrate, Aranthangi. The concerned Block Development Officer is at liberty to withdraw the said amount. This will be a non-refundable deposit. But it is made clear that the defence of the petitioner will not in any way be affected by this observation.

6. Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall execute 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 Judicial Magistrate, Aranthangi.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
02/01/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.

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2 -DO- THRO- THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTAI DISTRICT.

3 THE OFFICER IN CHARGE,
SUB JAIL, ARANTHANGI.

4 THE INSPECTOR OF POLICE
MANAMELKUDI POLICE STATION,
PUDUKKOTAI DISTRICT.

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

+1 CC to M/s.R.VENKATESHWAR, Advocate (SR-16[I] dated 02/01/2020)

ORDER

IN

CRL OP(MD) No.19666 of 2019

Date :02/01/2020

pnn

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