



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

Date : 24/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2827 of 2021

Pakkeer Maitheen

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Ayyampettai Police Station,
Pudukkottai District.
Crime No.92/2021.

... Respondent/Complainant

For Petitioner : Mr.A.Arunprasad,
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 Cr.No. 92 of 2021 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 09.02.2021 for the offences punishable under Sections 294(b), 420,353,307 of IPC r/w.Sections 5 and 7(3) of Lotteries Regulation Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 09.02.2021 when the respondent police was on routine surveillance near Sakarappalli found the petitioner selling banned lottery tickets and when the same was questioned by the respondent, the petitioner herein abused and made the attack on the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner is having one previous case and only for that reason the respondent police harassed the petitioner and his family members by filing false case against him. Aggrieved over the same, the petitioner lodged complaint against the respondent police before the Superintendent of Police and on that



4. The learned Government Advocate(Crl.Side) would submit produced the list of cases pending against him and he submitted that the petitioner is involved himself in the above crime from the year 2009. He would also submit that there are 10 cases pending against him including the present case, out of which he got acquitted in three of the case and in one case he had admitted his guilt and paid the fine amount. As regard other cases they are under investigation.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that in all the other cases pending against the petitioner he is on bail, 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, subject to the following conditions

[a] the petitioner shall draw a demand draft in favour of Dean, Thanjavur Medical College Hospital for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** without prejudice to his rights and contentions before the trial Court. The petitioner shall produce the proof of remittance /submission of Demand Draft to the Magistrate while executing sureties.

[b] On acknowledgment of the same 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 No.III, Thanjavur.

[c] 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;

[d] 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.

[e]the petitioner shall not abscond either during investigation or trial.

[f]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g]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.Saji vs. State of Kerala [(2005)AIR SCW 5560].



[h]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
24/02/2021

WEB COPY

/ TRUE COPY /

/ /2021

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.III, THANJAVUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE DEAN
THANJAVUR MEDICAL COLLEGE HOSPITAL, THANJAVUR.

+1 CC to M/s.A.ARUN PRASAD, Advocate (SR-1405[I] dated 24/02/2021)

ORDER
IN
CRL OP(MD) No.2827 of 2021
Date :24/02/2021

AAV
TK/VR/SAR.2/24.02.2021/3P/8C