



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5075 of 2021

1.Alagupallavaraja
2.Arasakumar

... Petitioners/Accused No.6 &
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.156 of 2021

... Respondent/Complainant

For Petitioners : Mr.S.Valmekanathan,
Advocate.

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

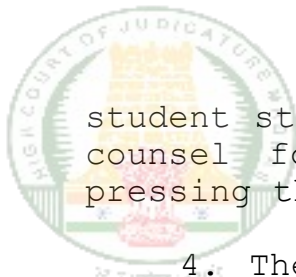
For Bail in Crime No.156 of 2021 on the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A6 and rank not known, who were arrested on 19.03.2021 for the offences under Sections 147,148,294(b),353,307,506(ii) of IPC and Section 25(1A) of Arms Act in Cr.No.156 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the petitioners were participating in the funeral of their relative they said to have possessed weapons and caused menace by wielding arms.

3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and they were arrested on 19.03.2021 and still in judicial custody. He would further submit that the second petitioner is a college



student studying I Year BA at RDGA college Sivagangai. The learned counsel for the petitioner further submitted that he is not pressing this petition as regards the first petitioner

4. The learned Additional Public Prosecutor would submit that though the offence was registered under Section 307 of IPC, no one sustained injuries in the said occurrence. He further submitted that the first petitioner is a history sheeter and that there are 5 cases pending against him in Crime Nos. 95/2016, 09/2018, 170/2020, 219/2020 and 277/2020 on the file of the Sipcot Police Stations, hence he strongly objected to the grant bail to the first petitioner.

5. Accordingly, as regards the first petitioner, this petition stands dismissed as not pressed.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that no one sustained injuries in the said occurrence and also considering the fact that the second petitioner is a college student and he is in judicial custody from 19.03.2021 and also his future, this Court is inclined to grant bail to the second petitioner alone.

7. Accordingly, the second 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 each for a like sum to the satisfaction of the learned Judicial Magistrate, No.I, Sivagangai and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the second petitioner shall appear before the respondent police daily at 6.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

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

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second 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]**.



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

sd/-
08/04/2021

/ TRUE COPY /

WEB 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.I, SIVAGANGAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5075 of 2021
Date :08/04/2021

AAV
TK/JC/SAR.2/08.04.2021/3P/6C