



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

Date : 13/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9956 of 2021

1. Periyasamy
2. Kailasam
3. Karunamoorthy ... Petitioners/Accused Nos.5,7 & 8

Vs

State Rep.by
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.580 of 2021. ... Respondent/Complainant

For Petitioners : Mr.B.Anandan,
Advocate.
For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

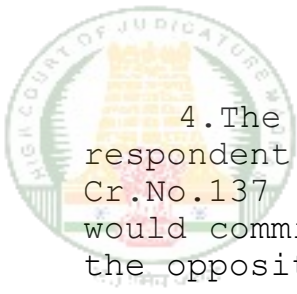
PRAYER :- For Bail in Crime No.580 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A5, A7 & A8, who were arrested on 11.07.2021 for the offence under Sections 147, 148 I.P.C and Section 25(1-A) of Arms Act, in Crime.No.580 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the respondent police, on usual raid, found that these petitioners along with four others assembled in a place with deadly weapon and planned to commit the offence as against their opposite group.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in jail from 11.07.2021, hence they may be granted bail.



4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that a case has been registered in Cr.No.137 of 2021 against the petitioners, apprehending that they would commit further offence and they would also cause any injury to the opposite group.

5.Replying to this, the learned counsel for the petitioners would submit that the earlier occurrence had taken place between the first accused and the deceased group, in which, the first accused also sustained injury and he was admitted in the hospital for more than 8 months. He would further submit that the first petitioner is the relative of A1, the second petitioner is the father of A1 and third petitioner is the uncle of the A1 and they have been roped in as accused in the previous case registered against them.

6.Perusal of record shows that the deceased group attempted to assault these petitioners and on information, the police have secured the relatives of the deceased group on 10.07.2021 in Crime No.579 of 2021 for the offence under Section 147, 148 I.P.C and Section 25(1-A) of Indian Arms Act r/w Section 4(b) of Explosive Substance Act, 1908. After registering the case, apprehending that the accused no.1 will also indulge in the commission of offence, the respondent police has registered this case as precaution as if these petitioners have assembled in a place and they have been found in possession of one aruval.

7.Considering the nature of involvement of these accused, the materials placed as against these petitioners, the fact that they were granted anticipatory bail in Crime No.137 of 2021 by this Court in Crl.O.P(MD).No.7330 of 2021 on 08.06.2021 and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukkottai and on further conditions 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 petitioners shall stay at Perambalur and report before the Perambalur Police Station daily at 10.30 am. until further orders.

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



[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

13/08/2021

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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, PATTUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
4. THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
PERAMBALUR POLICE STATION, PERAMBALUR.

ORDER IN

CRL OP(MD) No.9956 of 2021

Date :13/08/2021

2/2

MSA

MS/PN/SAR-3/13.08.2021/3P.7C

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