



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11322 of 2021

Metholi Pushparaj ... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
Crime No.579 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Mariayappan, Advocate.

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

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

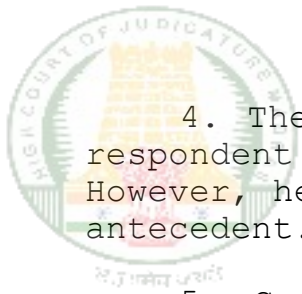
PRAYER :-For bail in Crime No.579 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 14.07.2021, for the offences punishable under Sections 147, 148 of IPC and 25(1) (A) of Indian Arms Act r/w. 4(b) of Explosive Substances Act, 1908, in Crime No.579 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.07.2021, two named and other unnamed accused including the petitioner/A1 assembled in the coconut grove of A1 with aruvals, knife and country bomb in order to commit retaliation murder of one Kalayana Odai Senthil. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is only a farmer and other accused, who are unknown to him, stayed with weapons in his grove and on seeing him, they ran away and abandoned the weapons in his grove. Therefore, he is no way connected with the incident. Since the petitioner is languishing in jail since 14.07.2021, he seeks for grant of bail.



4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any bad antecedent.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner, the period of incarceration and also the fact that the petitioner is not having any bad antecedent, this Court is inclined to grant bail to the petitioner.

6. 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 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 petitioner shall stay at Salem and report before the Salem Town Police Station daily at 10.30 a.m. until further orders.

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

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

[f] 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]**.

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

sd/-

18/08/2021

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/ /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,
PATTUKOTTAI.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE
DISTRICT PRISON, PUDUKOTTAI.

4 THE INSPECTOR OF POLICE,
SALEM TOWN POLICE STATION,
SALEM.

5 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.

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

+1 CC to M/s.K.MARIAYAPPAN, Advocate (SR-5475[I] dated 18/08/2021)

ORDER
IN
CRL OP(MD) No.11322 of 2021
Date :18/08/2021

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MK/PN/SAR.II/18.08.2021/3P/8C