



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 03/09/2021

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12744 of 2021

Vignesh

... Petitioner/Accused No.7

Vs

The State represented by
The Inspector of Police,
Kumbakonam Taluk Police Station
Thanjavur District
Crime No.688 of 2021

... Respondent/Complainant

For Petitioner : Mr.PR.Boomee Rajan,
Advocate.

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

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

PRAYER :-

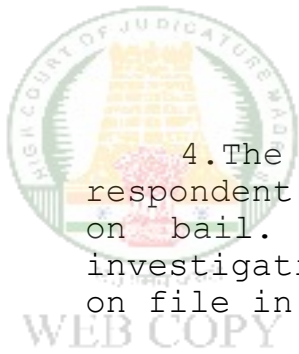
For Bail in Crime No.688 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested on 05.07.2021 for the offences punishable under Sections 147, 148, 294(b), 307, 353, 379 I.P.C r/w 21(1) of Mines and Minerals Act, in Crime No.688 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that totally ten accused in this case. On 09.06.2021, the accused persons have committed a theft of river sand by using two bullock carts and on seeing the police, the first accused has assaulted the defacto complainant, who is the Special Sub Inspector Police. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as accused no.7, he has not committed any offence as alleged by the prosecution and he is languishing in the prison from 05.07.2021. He would further submit that the co-accused have been released on bail and hence, he prays for bail.



4.The learned Government Advocate(Crl.Side) appearing for the respondent police confirmed that the co-accused have been enlarged on bail. He would further submit that after completing the investigation, a charge sheet has been filed and the same was taken on file in PRC.No.17 of 2021 by the learned Magistrate concerned.

5.Considering the facts and circumstances of the case, the fact that the co-accused have been released on bail, the stage of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and 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 No.II, Kumbakonam, Thanjavur District, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily **at 10.30** until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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 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]**.

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

sd/-
03/09/2021

/ 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.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM, THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.PR.BOOMEERAJAN, Advocate SR.No.5945

ORDER
IN
CRL OP(MD) No.12744 of 2021
Date :03/09/2021

MSA
SS/JM/SAR-II/06.09.2021 : 3P/7C