



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12625 of 2021

1.Thamilarasan @ Vellai	... 1 st Petitioner / Accused-1
2.Vignesh @ Vicky	... 2 nd Petitioner / Accused-2
3.Devaraj @ Deva	... 3 rd Petitioner / Accused-3
4.Saravanan	... 4 th Petitioner / Accused-4

Vs

The State rep.by,
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
Crime No.472 of 2021.

... Respondent/Complainant

For Petitioners : MR.P.MUTHAMIZH SELVAKUMAR, 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.472 of 2021 on the file of the Respondent police.

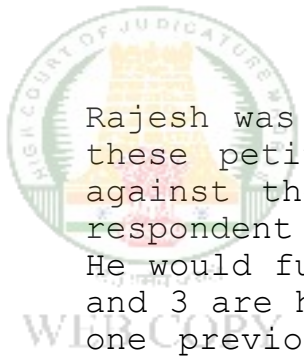
ORDER : The Court made the following order :-

The petitioners/A1 to A4, who were arrested on 15.07.2021 for the offences under Sections 147, 148 and 506(ii) I.P.C r/w Section 25(1A) of the Arms Act, 1959 in Crime.No.472 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 15.07.2021, when the respondent police were on vehicle check up, they found deadly weapons in a Maruthi Swift Vehicle. Hence, the case.

3.The learned counsel appearing for the petitioners submits that the respondent police on the apprehension that the petitioners were in possession of arms to commit an offence, have foisted a false case as against the petitioners. He would further submit that the petitioners are ready to abide by any condition and they are in jail from 15.07.2021. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) strongly opposed the prayer for grant of bail on the ground that the first accused's friend one



Rajesh was murdered by one Senthil. On retaliation to the incident, these petitioners have come from Chennai to commit an offence as against the said Senthil. On the date of vehicle check up, the respondent police have intercepted and arrested these petitioners. He would further submit that apart from this case, the petitioners 1 and 3 are having two previous cases; the second petitioner is having one previous case and there is no bad antecedent as against the fourth petitioner. He would further submit that the final report is yet to be filed.

5. At this juncture, the learned counsel for the petitioners would submit that the petitioners have not committed any offence and those cases are pending for trial. The petitioners are ready to file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offences in future.

6. Considering the facts and circumstances of the case, the fact that the petitioners have not committed any offence, based on the assumption that they were prepared to commit an offence, they were arrested, the petitioners are ready to file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offences in future and also the period of incarceration, this Court is inclined to grant bail to the petitioners, however, with stringent conditions.

7. 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 Judicial Magistrate, Pattukkottai 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 Aadhaar card or bank pass book to ensure their identity.

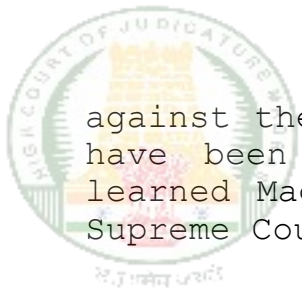
[b] the petitioners shall file an undertaking affidavit before the respondent police as well as before the trial Court that they will not indulge in any other offences in future.

[c] the petitioners shall appear before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned Magistrate 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]**.

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

sd/-
01/09/2021

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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, PATTUKKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION, THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1cc to MR.P.MUTHAMIZH SELVAKUMAR, Advocate. SR NO:5865.

ORDER
IN
CRL OP(MD). No.12625 of 2021
Date :01/09/2021

MSA
MK/VR/SAR.IV/01.09.2021/3P/7C