



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

Date : 01/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12637 of 2021

WEB COPY

1. Arjun @ Arjunan
2. Jegadeeshkumar

... Petitioners/Accused
(Rank not Known)

Vs

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

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan
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 petitioners, who were arrested on 30.07.2021 for the offences punishable under Sections 147, 148 of IPC, Section 25(1-A) of Arms Act and Section 4(b) of Explosive Substances Act, 1908, in Crime No.579 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners and other accused have assembled in the coconut farm of the first and second accused with deadly weapons, in order to commit revenge murder of one Kalyanaodai Senthil. On seeing the police party, they escaped from the scene of occurrence. The accused Nos.1 & 2 were remanded and on their confession, the petitioners have been arrested on 30.07.2021.

3.The learned counsel for the petitioner would submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but a false case has been foisted



arrested on 30.07.2021 and they are in jail for the past 30 days and hence he prays for grant of bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that the petitioners and others have assembled with deadly weapons to commit revenge murder. He would further submit that the petitioners are not having any bad antecedents and that the co-accused in this case have been enlarged on bail by this Court in Crl.OP(MD). No.11322 of 2021.

5.Taking into consideration of the facts and circumstances of the case, the fact that the petitioners have not involved in any other offence and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6.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) 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 Aadhaar card or bank pass book to ensure their identity.

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

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

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/09/2021

/ 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.

TO

1. The Judicial Magistrate, Pattukkottai.
2. Do Through
The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
3. The Officer Incharge, District Prison, Pudukottai.
4. The Inspector of Police,
Madukkur Police Station,
Thanjavur District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.12637 of 2021
Date : 01/09/2021

GC/PN/SAR-IV(01.09.2021) 3P 6C