



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12696 of 2021

A.Gunasekaran

... Petitioner/ 4th Accused

Vs

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

... Respondent/Complainant

For Petitioner : MR.D.VENKATESH,
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/A4, who was arrested on 30.07.2021, for the offence punishable under Sections 147, 148 IPC, 25(1)(A) of the Arms Act, 1959 and 4(b) of the 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 during the patrol, the defacto complainant along with his subordinate found that the petitioner along with other accused was in possession of deadly weapons. Hence, the case.

3. The learned counsel for the petitioner submits that the petitioner is an owner cum driver and he is running a travels in the name and style of 'Thulasi Auto & Travels' at Tiruppur. His vehicle was booked by one Ramesh, who is running a fish stall opposite to his travels, for marriage function and he started his trip to Thanjavur followed by another vehicle. When they reached Trichy, the vehicles were stopped for a tea-break, at that time, a bag was shifted to his vehicle and he found some indiscriminating materials in that bag. When he refused to proceed further, he was taken to



shifted into another vehicle. Therefore, he is in no way connected with the said case. However, he is languishing in jail from from 30.07.2021. Hence, he prayed for grant of bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioner is not having any previous case and A1 was released on bail by this Court on 18.08.2021 in Crl.O.P.(MD)No.11322 of 2021.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and also the fact that the petitioner is not having any previous case and the co-accused was released on bail, 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 report before the respondent police 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/-
02/09/2021

/ 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,
PATTUKOTTAI.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM
 - 3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
 - 4 THE INSPECTOR OF POLICE,
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.D.VENKATESH, Advocate (SR-5901[I] dated 02/09/2021)

ORDER
IN
CRL OP(MD) No.12696 of 2021
Date :02/09/2021

OGY
MK/PN/SAR.III/02.09.2021/3P/7C