



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13184 of 2021

1. GANAPATHY @ PERIYASAMY,
2. SIVANESAN, ... PETITIONERS/ACCUSED Nos.7 & 10

VS

THE STATE THROUGH
THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANAJVUR DISTRICT.
(CRIME NO. 79 OF 2021)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.CHANDRASEKARAN M,
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.79 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A7 and A10, who were arrested on 03.08.2021, for the offence punishable under Sections 399 and 402 IPC and 25(1-A) of Arms Act, in Crime No.79 of 2021, seek bail.

2. The case of the prosecution is that on receiving secret information, the defacto complainant, who is working as a Special Sub Inspector of Police, along with his team, went to the spot and found that the petitioners along with other accused unlawfully assembled with deadly weapons in the coconut grove in order to commit murder or dacoity. On seeing the police officials, they ran away from the scene of occurrence.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, they are languishing in jail from 03.08.2021. Hence, he prayed for grant of bail. He further submits that A1, who is the main accused in this case, was granted bail by the Sessions Court.



4. The learned Government Advocate (Crl. Side) opposed for grant of bail on the ground that the investigation is yet to be completed. However, he fairly submits that the petitioners are not having any previous case.

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

6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed 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 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 petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

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

[d] the petitioners shall not abscond 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 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]**.

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

sd/-

08/09/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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,
THANJORE DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
THE CENTRAL PRISON,
KADALORE.
4. THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANAJVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13184 of 2021
Date :08/09/2021

GC/SKN/SAR-III(08.09.2021) 3P 6C