



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13032 of 2021

Saravana Pandi

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
Crime No.1166 of 2021.

... Respondent/Complainant

For Petitioner : M/S.A.BANUMATHY,
Advocate.

For Respondent : MR.T.SENTHIL KUMAR,
Government Advocate (Crl.Side)

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

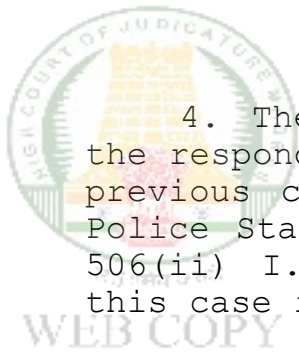
PRAYER :-For Bail in Crime No.1166 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 29.07.2021 for the offences under Sections 7 and 25 (1A) of Arms Act, 1959, in Crime.No.1166 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the respondent police, on usual raid, found that the petitioner along with other accused were in possession of dangerous weapons. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The co-accused in this case have been enlarged on bail by the Court of Sessions. He would further submit that the petitioner is ready to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future. Since the petitioner is in jail from 29.07.2021, he prayed for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the petitioner is having one previous case in Crime No.157 of 2018 on the file of Vedachandur Police Station for the offence under Sections 294(b), 323, 324 and 506(ii) I.P.C. He would further submit that the investigation in this case is yet to be completed.

5. Though the petitioner is having one previous case to his credit, excepting the offence under Section 506(ii) I.P.C., all other offences are bailable in nature and the petitioner undertakes to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

6. Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled as against this petitioner, the fact that the petitioner is ready to file an affidavit of undertaking and the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. 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.I, Pudukkottai 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 petitioner shall file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

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

[e] the petitioner shall not abscond 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 petitioners 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 229-A IPC.

sd/-

07/09/2021

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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 NO.I,
PUDUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PUDUKKOTTAI TOWN POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13032 of 2021

Date :07/09/2021

MSA

MK/VR/SAR.II/07.09.2021/3P/6C