



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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CRL OP(MD). No.14435 2021

Ramesh ... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Madukkur Police Station, Thanjavur District.
Crime No.598 of 2021Respondent/Complainant

For Petitioner : Mr.B.Anandan, Advocate.
For Mr.E.Balasubramanian, Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor.

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

PRAYER :-For Bail in Crime No.598 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 05.08.2021 for the offence under Section 25(1-A) of Arms Act, in Crime.No.598 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.08.2021, the petitioner and other accused were proceeding in a Car bearing Registration No.TN-42-AH-4921 and during the vehicle check-up by the respondent police, it was found that the accused persons possessed two swords with an intention to commit retaliation murder of one Manickavasagam. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that in the earlier incident the petitioner was granted anticipatory bail in Crime No.579 of 2021. While he was complying with the condition in that case, the present case has been foisted as against the petitioner. He further submits that the earlier bail application moved by this petitioner in CrI.O.P(MD).No.13162 of 2021 was dismissed on 08.09.2021 on a false representation made by the respondent police that this petitioner has already moved the application before this Court that was dismissed and suppressing the same, the earlier bail application in CrI.OP(MD).No.13162 of 2021 was filed by this petitioner. Based on that reply made on behalf of the respondent police, the earlier bail application was



dismissed. However, the learned counsel for the petitioner filed this second bail application and submitted that he has not moved any other application before this Court. The petitioner is having a Company at Tiruppur and he is also residing there. The occurrence had taken place on 04.08.2021 and the petitioner is languishing in jail from 05.08.2021. He would further submit that the very same averment is made as against the petitioner in Crime No.579 of 2021 and the present case is also foisted as against the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the investigation is yet to be completed.

5.Considering the manner in which a false representation was made on behalf of the respondent police, the nature of allegation levelled as against the petitioner and also the period of incarceration, 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai 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 not visit his village, namely Kandiyanadu Village, Pattukkottai Taluk, Thanjavur District till January -2022.

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

[d] the petitioner 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 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]**.

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

sd/-
27/09/2021

/ 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.

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- TO
- 1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE
MADUKKUR POLICE STATION, THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14435 of 2021
Date :27/09/2021

MSA
MK/VR/SAR.III/27.09.2021/3P/6C