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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13564 of 2021

Pandi @ Vallimuthu

... Petitioner/Accused No.8

Vs

The State rep.by
The Inspector of Police,
Vattathikottai Police Station
Thanjavur District
(Crime No.79 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.SUYAMBULINGA BHARATHI,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

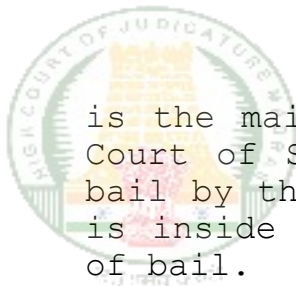
For Bail in Crime No.79 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A8, who was arrested on 03.08.2021, for the offence punishable under Sections 399 and 402 I.P.C and Section 25 (1A) of Arms Act, 1959, in Crime No.79 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that based on the secret information, the respondent police found that some unknown persons unlawfully assembled with deadly weapons in order to commit murder or dacoity. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that accused no.1 who



is the main accused in this case has been released on bail by the Court of Sessions. The accused Nos.7 and 10 were also released on bail by this Court in Crl.OP(MD).No.13184 of 2021 on 08.09.2021. He is inside the prison from 03.08.2021 and hence, he seeks for grant of bail.

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4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that apart from this case, the petitioner has involved in two other cases for the offence under Section 302 I.P.C. He further submits that the co-accused have been granted bail by this Court in Crl.OP(MD).No.13184 of 2021 on 08.09.2021.

5.Replying to this, the learned counsel for the petitioner would submit that the said two cases are pending trial.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the fact that the co-accused have been granted bail and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

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, 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 twice ie. at 10.30 a.m. and 5.30 p.m until further orders.

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

[d] the petitioner 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 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 229A IPC.

sd/-

15/09/2021

/ 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 SUPERINTENDENT
CENTRAL PRISON, KADALORE.
4. THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION
THANJAVUR DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.13564 of 2021
Date :15/09/2021

SA/VR/SAR.3/15.09.2021/3P/6C