



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13894 of 2021

1.George
2.Akashkumar
3.Viswa @ Nachiyappan ... Petitioners/Accused Nos.1, 3& 4

Vs

The State rep.by,
The Inspector of Police,
Kallal Police Station
Sivagangai District
(Crime No.171 of 2021) ... Respondent/Complainant

For Petitioners : Mr.T.Veerakumar, 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.171 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A3 & A4, who were arrested on 30.08.2021 for the offence punishable under Sections 147, 148, 294(b) and 506 (ii) I.P.C r/w Section 25(1-A) of Arms Act, 1959, in Crime No.171 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 30.08.2021, the petitioners formed an unlawful assembly with deadly weapons and searched the petrol tank pouch of the defacto complainant's vehicle. When the same was questioned by the defacto complainant, the petitioners threatened the defacto complainant by showing deadly weapons and also criminally intimidated him. Hence, the complaint.

3.The learned counsel for the petitioners submits that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. They are inside the prison from 30.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent is opposed for grant of bail on the ground that the



investigation is yet to be completed. He would submit that the first petitioner is having three previous cases to his credit and no one sustained injury in this case.

5. At this juncture, the learned counsel for the petitioners submits that the first 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.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the first petitioner/A1's willingness to file an undertaking affidavit and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikudi, Sivagangai District 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 first petitioner/A1 shall 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.

[c] the petitioners shall report before the respondent police daily twice ie. at 10.30 a.m. and 05.30 p.m until further orders.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with the 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 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]**.

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

sd/-
20/09/2021

/ 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,
KARAIKUDI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALLAL POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13894 of 2021
Date :20/09/2021

MK/VR/SAR.II/20.09.2021/3P/6C