



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 24/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14264 of 2021

Dinesh

... Petitioner/Accused No.2

Vs

The State rep. by
Sub-Inspector of Police
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No.964 of 2021

....Respondent/Complainant

For Petitioner : Mr.B.Dhinesh Kumar,
Advocate.

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.964 of 2021 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 02.09.2021 for the offences under Sections 294(b), 353 and 506(ii) of IPC and Section 27(2) of Arms act, 1959 in Crime.No.964 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused threatened and abused the Sub-Inspector of Police with knife, while he was discharging his official duty.

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. He further submits that the petitioner is in judicial custody from 02.09.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and other accused abused the police official with armed knife and there is no previous



case is pending against the petitioner. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the fact that no one sustained injury in the alleged occurrence, there is no bad antecedents and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.II, Kumbakonam, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the learned Judicial Magistrate No.II, Kumbakonam daily at 10.30 a.m until further orders.

[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 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 229-A IPC.

sd/-

24/09/2021

/ 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



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL,
THIRUVIDAIMARUTHUR.
4. SUB-INSPECTOR OF POLICE
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14264 of 2021
Date :24/09/2021

AM/CSM
MS/VR/SAR-2/24.09.2021/3P.6C