



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14426 of 2021

Muthukumar, ... Petitioner/Accused No.6

Vs

State Rep by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(in Cr.No.79 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Anandaraj, Advocate
for M/s.S.Ramasamy, Advocate
For Respondent : Mr.A.Thiruvadi Kumar,
Public Prosecutor

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.

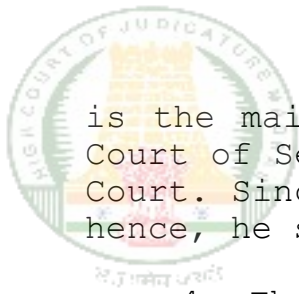
ORDER : The Court made the following order :-

The petitioner/A6, 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 a secret information, the respondent police found 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

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is the main accused in this case has been released on bail by the Court of Sessions. The co-accused were also released on bail by this Court. Since the petitioner is inside the prison from 03.08.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner is the resident of Srivaikundam. On the date of occurrence, the petitioner was in Thanjavur with aruval along with other accused in order to commit murder. He further submits that apart from this case, the petitioner is involved in five other cases also.

5. At this juncture, the learned counsel for the petitioner submits that now, the petitioner realised his mistake and he is ready to file an undertaking affidavit before the trial Court as well as before the respondent Police that he will not indulge in any other offence in future.

6. Taking into consideration of the facts and circumstances of the case, co-accused were already enlarged on 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.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit before the trial Court, by ensuring that the petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] The petitioner shall not misuse the liberty granted to him by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[e] the petitioner shall file an undertaking affidavit before the respondent Police as well as before the trial Court that he will not indulge in any other offence in future;

[f] the petitioner shall not abscond during the trial;



[g] the petitioner shall not tamper with the evidence or witness during trial;

[h] 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 is 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]**.

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

sd/-
01/11/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM/OGY

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.14426 of 2021
Date : 01/11/2021

TR/PN/SAR-I(01.11.2021) 3P 6C

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