



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

Date : 28/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14432 of 2021

Kombaiah

... Petitioner/Accused No.4

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.Ramasamy, 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.79 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 03.08.2021 for the offence under Sections 399 and 402 I.P.C and Section 25(1A) of Arms Act, in Crime No.79 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons assembled with deadly weapons in order to commit murder or decoity. When the respondent police proceeded to the spot, the accused persons ran away from the scene of occurrence leaving one motor cycle and deadly weapons. After enquiry, it reveals that the motor cycle belongs to the first accused in this case. Hence, the complaint.

3. The learned counsel for the petitioner would submit that on the strength of the confession statement given by the co-accused namely accused no.1 in this case, the petitioner was falsely implicated in this case. He would further submit that accused no.1 who is the main accused in this case has already been released on bail by the Court of Sessions and accused nos.7, 8 and 10 were also



released on bail. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution, but the respondent police falsely implicated the petitioner as an accused in this case. The petitioner is languishing in jail from 03.08.2021 and hence, he seeks for grant of bail.

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4. The learned Additional Public Prosecutor appearing for the respondent police would submit that based on the assumption that the accused persons have prepared to commit an offence, they were arrested. He would further submit that apart from this case, the petitioner has involved in three other cases and the investigation in this case is yet to be completed.

5. At this juncture, the learned counsel for the petitioner would submit the 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 fact that the petitioner has not committed any offence, based on the assumption that the accused persons have prepared to commit an offence, they were arrested, the petitioner is ready to file an undertaking affidavit and 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 ordered. The petitioner is directed 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, Pattukkottai and on further conditions that:

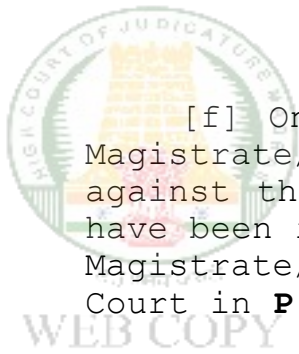
[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall 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 petitioner shall appear before the respondent police daily twice i.e, at 10.30 a.m and 5.30 p.m until further orders.

[d] the petitioner shall not abscond either during trial.

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



[f] 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]**.

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

sd/-

28/09/2021

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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.14432 of 2021

Date : 28/09/2021

MSA

MS/VR/SAR-4/28.09.2021/3P.6C