



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15504 of 2021

1. Parthasarathi
2. Arunkumar
3. Kokesh ... Petitioners/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Somarasampettai Police Station,
Somarasampettai, Trichy District.
in Crime No.727 of 2021. ... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, Advocate.
For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.727 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested on 24.09.2021, for the offence punishable under Sections 25(1)(a) of Arms Act, 1959, in Crime No.727 of 2021, seek bail.

2. The case of the prosecution is that on 24.09.2021, at about 6.45 a.m, when the respondent Police was on regular check up nearby backside of Mariyamman Temple, it is found that the petitioners were in possession of swords without for no reasons.

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 and they have been falsely implicated in this case. However, they are inside the prison from 24.09.2021. Hence, he prayed for grant of bail.

4. The learned Additional Public Prosecutor opposed for grant of bail on the ground that the first petitioner is having two previous cases. The petitioners 2 and 3 are not having any previous



5. Considering the facts and circumstances of the case, the period of incarceration and the antecedent of the petitioner, this Court is inclined to grant bail to the petitioners with stringent conditions. Accordingly, the Criminal Original Petition is allowed.

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6. Considering the fact that the first petitioner is having two previous cases, the first 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 only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Trichy 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 first 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] the first petitioner shall not misuse the liberty granted to him by this Court and if the first 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 first petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[e] the first 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 first petitioner shall not abscond during the trial;

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

[h] On breach of any of the aforesaid conditions, the learned Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the first petitioner is released on bail by the learned Judge/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.

7. Considering the fact that the petitioners 2 and 3 are not having any previous case, the petitioners 2 and 3 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 No.V, Trichy 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 Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners 2 and 3 shall appear before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioners 2 and 3 shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioners 2 and 3 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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]** and;

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

sd/-

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/ /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 NO.V,

<https://hcservices.gov.in/hcservices/>



2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

4 THE INSPECTOR OF POLICE
SOMARASAMPETTAI POLICE STATION,
SOMARASAMPETTAI, TRICHY DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15504 of 2021

Date :08/10/2021

OGY

MK/SKN/SAR.IV/08.10.2021/4P/6C