



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16224 of 2021

1.Muthumani
2.M.Vinoth Kumar
3.A.Ponvasanth

... Petitioners/Accused 1 to 3

Vs

The State rep.by
The Sub Inspector of Police,
Elayirampannai Police Station
Virudhunagar District
Crime No.172 of 2021.

... Respondent/Complainant

For Petitioners : Mr.M.JOTHIBASU
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.172 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who were arrested on 27.09.2021 for the offence under Section 27(1) of Arms Act, 1959, in Crime.No.172 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.09.2021, the respondent police conducted a search and recovered aruval and knife from the accused persons. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that since the petitioners are accused in an another case for the offence under Section 302 I.P.C, they have been arrested by the respondent police, due to local body election. He further submits that the petitioners are ready to abide by any condition and they are in jail from 27.09.2021. Hence, he prays for grant of bail to the petitioners.



4. The learned Additional Public Prosecutor strongly opposed for grant of bail on the ground that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, based on the assumption that they were prepared to commit an offence, they were arrested and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered 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 Judicial Magistrate No.I, Sattur and on further condition 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 shall appear before the respondent police daily at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/10/2021

/ 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 NO.I
SATTUR.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE
DISTRICT PRISON, THENI.

4 THE SUB INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION
VIRUDHUNAGAR DISTRICT

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

ORDER

IN

CRL OP(MD) No.16224 of 2021

Date :26/10/2021

SA/JM/SAR.1/26.10.2021/3P/6C