



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16396 of 2021

Abdul Majeeth ... Petitioner/ Accused

Vs

The State rep.by,
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No.939 of 2021. ... Respondent/Complainant

For Petitioner : Mr.A.Arun Prasad
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.939 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused who was arrested and remanded to judicial custody on 02.09.2021 for the offence under Sections 294(b) and 307 I.P.C, in crime No.939 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 02.09.2021, the petitioner went to the fruit stall of the defacto complainant and demanded fruit without paying money. On refusal of the same, the petitioner attempted to attack the defacto complainant with aruval. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody for the past 50 days and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent strongly opposed for grant of bail to the petitioner that
<https://hds.ces.pourts.gov.in/hdsces/> is an accused in yet another case for the offence



under Section 302 I.P.C. He would further submit that the investigation is yet to be completed and no one has sustained injury in this case.

5. Considering the facts and circumstances of the case, the fact that no one has sustained injury in the occurrence and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions, however, with stringent conditions.

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 learned Judicial Magistrate No.III, Thanjavur 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 petitioner shall appear before the respondent police daily twice ie. at 10.30 a.m and 05.30 p.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/-

27/10/2021

/ 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.III,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION, THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

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

ORDER
IN
CRL OP(MD) No.16396 of 2021
Date :27/10/2021

PNM/MSA
MK/JM/SAR.II/27.10.2021/3P/6C