



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

Date : 09/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.16491 of 2021

Hariharan ... Petitioner/Accused No.2

Vs

The state represented by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Cr.No. 1068 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.M.,
Advocate.
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1068 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 05.10.2021 for the offence punishable under Sections 25(1A), 27(1) of Arms Act and 294(b), 392, 452, 506(ii) IPC alter into Sections 25(1A), 27(1) of Arms Act and 294(b), 392, 427, 452, 506(ii) IPC, in Crime No.1068 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons went to the hospital premises and threatened the staffs and also demanding sleeping dose. When the same was refused by the staffs, the accused persons threatened them with deadly weapons and also scolded in filthy language.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, that the defacto complainant has misused and defame the petitioner's name and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that on 04.10.2021, the petitioner and other accused persons went to the hospital premises and threatened the staffs with deadly weapons. He would further submit that the petitioner is not having any previous case.

5.Considering the nature of the offence alleged by the prosecution and considering the fact that no one was injured in the incident as stated by the learned Additional Public Prosecutor and also the fact that the petitioner is in judicial custody from 05.10.2021, and that the petitioner is not having any previous case for serious offences, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, 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, Pattukottai, Thanjavur District.

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/11/2021

/ 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
PATTUKOTTAI THANJAVUR DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16491 of 2021
Date :09/11/2021

DAS

SS/PN/SAR-IV/09.11.2021 : 3P/6C