



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16648 of 2021

Mathan ... Petitioner/Sole Accused  
Vs

The State rep by  
The Inspector of Police,  
Pattukkottai Town Police Station,  
Thanjavur District  
(Crime No. 1046 of 2021). ... Respondent/Complainant

For Petitioner : Mr.Anandan.B,  
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. 1046 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 24.09.2021 for the offence under Section 25(1)(a) of Indian Arms Act, in Crime No.1046 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.09.2021, the respondent Police was on patrolling duty at Pattukottai Town Kasankulam North-bed. At that time, the accused person was standing with Aruval in a threatening manner in public and on seeing the police party, he escaped from the scene of occurrence. However, the respondent Police caughthold the accused person, seized the aruval and arrested him. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not indulged in any kind of offence as alleged by the prosecution. He is inside the prison from 24.09.2021 and hence, he seeks for grant of bail.



4. The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that apart from this case, the petitioner has involved in five 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 that the petitioner is ready to file an undertaking affidavit before the trial Court as well as the respondent Police that he will not indulge in any other offence and furnish the sureties of respectable persons in their locality.

6. Considering the facts and circumstances of the case, the nature of allegation, his willingness to file an undertaking affidavit 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 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, Pattukottai, 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 by ensuring that the 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner involves in any further offence, the respondent police shall inform the same to the concerned Court and take action as against the sureties, who have given on behalf of the petitioner. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m until further order.

[e] 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 offence in future;

[f] the petitioner shall not abscond during the trial;

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



[h] 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]**.

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

Sd/-  
01/11/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

ssb

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.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,  
PATTUKKOTTAI TOWN POLICE STATION,  
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.16648 of 2021  
Date : 01/11/2021