



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16649 of 2021

V. MANIVASAGAM,
S/O.VEERARAGAVAN

... PETITIONERS/SOLE ACCUSED

VS

STATE REP BY
THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.
(CR.NO.528/2021) .

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.K.SIVABALAN.,
ADVOCATE.

FOR RESPONDENT : MR.A.THIRUVADI KUMAR,
ADDITIONAL PUBLIC PROSECUTOR

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

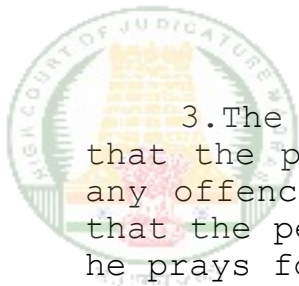
PRAYER :-

For Bail in Crime No. 528 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ sole accused, who was arrested on 28.08.2021 for the offence under Sections 25(1)-A and 27(2) of Arms Act in Crime No.528 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.08.2021, the petitioner threatened the Village Administrative Officer for issuance of Adangal to obtain loan from the co-operative Society, for which, a case has been registered in Crime No.527 of 2021. Thereafter, the police went to arrest the petitioner. At that time, the petitioner had Aruval in his hand. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is inside the prison from 28.08.2021 and hence, he prays for grant of bail.

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4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner has been detained under Act 14 of 1982 by order dated 02.10.2021.

5. However, the same has been disputed by the learned counsel for the petitioner that the order of detention has not been approved by the Government and he has produced the order of the Government in G.O.Rt.No.4751 dated 13.10.2021, in which, it has been stated that the detention order passed by the District Collector and District Magistrate, Thanjavur in P.D.No.127 of 2021 was not approved by the Government.

6.Considering the subsequent order passed by the Government, the stage of the case and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain 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, 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 at 10.30 a.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/-
01/11/2021

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/ /2021

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

ORDER
IN
CRL OP(MD) No.16649 of 2021
Date : 01/11/2021

GC/JM/SAR-1(02.11.2021) 3P 6C