



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16657 of 2021

WEB COPY

Bavikumar

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Cr.No.1078/2021).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.M.,
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. 1078 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who was arrested on 13.10.2021 for the offence under Sections 25(1A), 27(1) of Arms Act and 147, 148, 294(b), 323, 324, 427, 506(ii) of IPC @ Sections 25(1A), 27(1) of Arms Act, Section 3 of IES Act and Sections 147, 148, 294(b), 323, 324, 427, 506(ii) of IPC, in Crime No.1078 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the defacto complainant was going to attend his work at Modern School, the accused persons came in a two-wheeler and hit the defacto complainant, and the same was questioned by the defacto complainant, due to which, the accused persons took the tester from the pocket of the defacto complainant and hit him. On hearing the sound of the defacto complainant, the neighbours came there. However, the accused ran away from the occurrence place. After few minutes, they came again to the occurrence place in the two wheeler and attempted to attack the defacto complainant by using sickle. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not comitted any

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offence as alleged by the prosecution. He would further submit that the petitioner is languishing in jail from 13.10.2021, therefore, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the investigation is yet to be completed and the petitioner has no previous case pending against him.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioner, the petitioner has no previous case and the period of incarceration, this Court is inclined to grant bail to the petitioner.

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, Pattukottai, Thanjavur District, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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/-

28/10/2021

/ 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



TO

1.The Judicial Magistrate,
Pattukottai, Thanjavur District.

WEB COPY

2. - do- through The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

3.The Officer in-charge, District Jail, Pudukottai.

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.16657 of 2021

Date : 28/10/2021

SA/JM/SAR 3 (28.10.2021) 3P 6C