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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.16948 of 2021

Katta Palani @ Palanivel Rajan ... Petitioner/Accused No.2

Vs

The State rep by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Cr.No.1047 of 2021).

... Respondent/Complainant

For Petitioner : Mr.H.Mohammed Imran
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.1047 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 24.09.2021, for the offence punishable under Sections 25(1) (a) of the Arms Act, in Crime No.1047 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.09.2021 at about 14.00 hours, the defacto complainant received an information that the petitioner restrained the road with aruval and threatened the public. Therefore, the present case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that he is ready to file an undertaking affidavit before the respondent police as well as the trial Court that the petitioner will not indulge any offence in future. He would further submit that the petitioner has been suffering incarceration from 24.09.2021 and prays for grant of bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent police opposed to grant bail to the petitioner on the ground that the petitioner is having several previous cases to his credit.

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5.The learned counsel for the petitioner would submit that the previous cases are of the years 2013 and 2014 and thereafter, the petitioner has not involved in any other offence and also submitted that in none of the case, he has been found guilty by any Court.

6.Considering the facts and circumstances of the case, the readiness of the petitioner to file an undertaking affidavit and 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.1,00,000/- (Rupees One Lakh 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 Judge 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 is involved in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before the trial Court daily at 10.30 a.m., until further orders.

[e] the petitioner shall file an undertaking affidavit before the trial Court that he will appear before the Court regularly without filing any application to condone his absence on any date of hearing;

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
01/11/2021

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

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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 JAIL, PUDHUKOTTAI.
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.16948 of 2021
Date : 01/11/2021

VB/SKN/SAR-I/01.11.2021/3P/6C