



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

Date : 30/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18123 of 2021

Vivek @ Vivekanandan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Ganesh Nagar Police Station,
Ganesh Nagar,
Pudukkottai District.
Cr.No.799/2021.

... Respondent/Complainant

For Petitioner : Mr.V.KATHIRVELU, Senior Counsel
for M/s.Krishnan.S, Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.799 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

2.The petitioner, who was arrested by the respondent police and remanded to judicial custody on 12.10.2021, for the alleged offences under Sections 294(b), 386, 506(ii) IPC r/w Section 7 and 25 (1A) of Arms Act, 1959, dated 12.10.2021 in Crime No.799 of 2021, seeks bail.

3.The case of the prosecution is that the defacto complainant is running a grocery shop at his native and one Sivaranjani, who happens to be his regular customer, approached him and asked rat killer medicine. He told her that he does not sell rat killer. Since she insisted him, he gave a rat paste, which was kept by him for his personal use. After some time, she consumed the rat paste and she was admitted in the hospital. Thereafter, the relatives of Sivaranjani picked up quarrel with the defacto complainant and they blamed him for the above said suicidal attempt. The petitioner and his friend watched the entire occurrence and told him that they will do panchayat in this matter and for that, they demanded Rs.1,00,000/-. But, the defacto complainant refused to pay the said amount. While so, on 18.09.2021, the petitioner and his friend



approached the defacto complainant and told that they successfully completed the panchayat and convinced the relatives of Sivaranjani. They also demanded Rs.1,00,000/-. But, the defacto complainant refused to pay the same. Angered over the same, the petitioner threatened the defacto complainant with deadly weapons and thereafter, the defacto complainant gave a sum of Rs.50,000/- to the petitioner and his friend. Hence, the complaint.

4.This petitioner already moved anticipatory bail, which came to be dismissed on 28.10.2021, considering the nature of offence and the submission of the learned Government Advocate that 11 previous cases are pending against the petitioner.

5.Now, the learned counsel for the petitioner submits that the Village Administrative Officer, Pudukkottai Taluk, namely, V.Sankar Ganesh and the Councillor namely one Balu have come forward to stood as sureties for the petitioner and filed separate affidavits stating that the petitioner will not involve in any offence in future.

6. It is now reported by the learned Government Advocate that out of 11 previous cases pending against the petitioner, five cases have been either closed or ended in acquittal and six cases are pending against him.

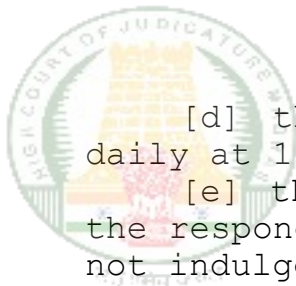
7. Taking into consideration the period of incarceration and the fact that two responsible persons, the Village Administrative Officer and Councillor from Pudukkottai have filed affidavits stating that they will ensure that the petitioner will not involve in any offence in future and also taking into consideration of the change of circumstances, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

8.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 only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Pudukkottai and on further conditions that:

[a] the two sureties shall be Mr.V.Sankar Ganesh, Village Administrative Officer and Mr.Balu, Councillor, who filed affidavits before this Court and these sureties shall file separate affidavits before the concerned Judicial Magistrate Court that they will ensure that the petitioner is not involved in any further offence.

[b]the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[c] The petitioner shall not misuse the liberty granted to him by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties



[d] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[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 is 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/-

30/11/2021

/ 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 NO.I
PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 4 THE INSPECTOR OF POLICE,
GANESH NAGAR POLICE STATION,
GANESH NAGAR, PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.18123 of 2021
Date : 30/11/2021

SA/VR/SAR.3/30.11.2021/3P/6C

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