



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

Date : 25/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18518 of 2021

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MOHAN,
S/O.RAMAIYAN,
MIDDLE ST SANKARNATHAR
GUDIKADU, THIRUNALLUR POST,
ORATHANADU TK,
THANJAVUR DISTRICT.

... PETITIONER/ACCUSED NO.2

VS

STATE REP. BY ITS
THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION, PAPPANADU,
THANJAVUR DISTRICT.
(CR.NO.877 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.DEENADHAYALAN S,
ADVOCATE.

FOR RESPONDENT : MR.R.MEENAKSHI SUNDARAM,
ADDITIONAL PUBLIC PROSECUTOR

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

PRAYER :-

For Bail in Crime No.877 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 02.11.2021 for the offence punishable under Sections 120 (B), 109 IPC r/w 25 (1A) of Arms Act, in Crime No. 877 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that due to the civil dispute between A5 and his paternal uncle, the petitioner and the other accused persons said to have conspired together with weapons for the purpose of to do away the life of one Mani. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is not having any previous case similar in nature.

5.Considering the nature of the offence alleged against the petitioner and also the facts that the petitioner is in judicial custody from 02.11.2021 and that the petitioner is not having any previous case for similar or serious offences, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, 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 Orathanadu, Thanjavur District, and on further conditions that;

i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

ii)the petitioner shall report before the Inspector of Police, Thanjavur North Police Station, Thanjavur, daily at 10.30 a.m for a period of one month and thereafter, as and when required.

iii)the petitioner shall not tamper with evidence or witness.

iv)the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

25/11/2021

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

dss



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.

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- TO
1. THE LEARNED JUDICIAL MAGISTRATE
ORATHANADU, THANJAVUR DISTRICT..
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT.
 3. THE SUPERINTENDENT,
THE SUB JAIL, PAPANASAM, THANJAVUR..
 4. THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
PAPPANADU, THANJAVUR DISTRICT.
 5. THE INSPECTOR OF POLICE,
THANJAVUR NORTH POLICE STATION,
THANJAVUR DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18518 of 2021
Date :25/11/2021

GC/PN(25.11.2021) 3P 7C