



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

Date : 29/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18717 of 2021

Saravanan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Virudhunagar East Police Station,
Virudhunagar District.
(Crime No.149 of 2021)

... Respondent/Complainant

For Petitioner : Mr.P.M.Saravanan,
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.149 of 2021 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to
judicial custody on 26.09.2021 for the offence punishable under
Section 25(1A) Arms Act, in Crime No.149 of 2021, on the file of the
respondent police, seeks bail.

2.The case of the prosecution is that on 26.09.2021, near
Allampatti water tank, the petitioner threatened the general public
by showing sword. Hence the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent person and he has been falsely implicated in
this case and that the investigation is also completed. Hence, he
seeks bail.

4.The learned Additional Public Prosecutor appearing for the
respondent would submit that one previous case is pending as against
the petitioner, which was registered for the offence under Section
302 of Cr.P.C. in the year 2018.



5.Considering the nature of the offence alleged against the petitioner and also the facts that the petitioner is in judicial custody from 26.09.2020, that except the murder case registered in the year 2018, the petitioner is not having any previous case for similar or serious offences and that the investigation might have been completed by this time, 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 No.II, Virudhunagar, Virudhunagar 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 respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation.

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/-
29/11/2021

/ 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.II,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
THE SUB JAIL, VIRUDHUNAGAR..

4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.P.M.SARAVANAN, Advocate (SR-8608[I] dated 29/11/2021)

ORDER

IN

CRL OP(MD) No.18717 of 2021

Date :29/11/2021

dss

MK/VR/SAR.II/29.11.2021/3P/7C