



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03.12.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.19153 of 2021

Raja ... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
In Crime No.565 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Leninkumar
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

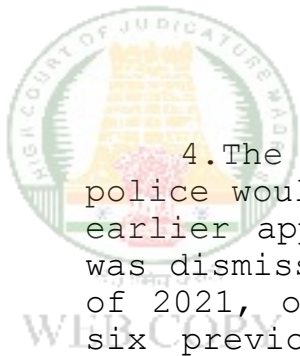
PRAYER :-For Bail in Crime No.565 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st accused, who was arrested and remanded to judicial custody on 14.10.2021 for the offences punishable under Sections 294(b), 506(ii) IPC and Section 25(1-B) (a) of Indian Arms Act, 1959 in Crime No.565 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is running a chicken shop at Thirukattupalli Market. In the year 2015, the de-facto complainant's brother Panchabikesan was hacked to death by 17 persons and the accused were threatening the de-facto complainant continuously. On 14.10.2021, the petitioner and other accused armed with aruval, chased the de-facto complainant and abused him in filthy language.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 14.10.2021 and hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police would submit that this is the second bail application and the earlier application filed by the petitioner, along with A2 and A3, was dismissed against the present petitioner in Crl.O.P.(MD)No.16653 of 2021, on 17.11.2021 on the ground that the petitioner is having six previous cases, which includes two murder cases. He would further submit that the petitioner is still taking treatment in the jail hospital.

5.It is not in dispute that this Court vide order dated 17.11.2021 in Crl.O.P.(MD)No.16653 of 2021 has dismissed the bail application against the present petitioner, but granted bail to the petitioners 2 and 3 with certain conditions.

6.Considering the facts and circumstances of the case and also considering the facts that the petitioner is in judicial custody from 14.10.2021, the co-accused have already been granted bail by this Court and that the petitioner is still taking treatment in the jail hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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, Thiruvaiyaru.

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 until further orders.

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/-

03/12/2021

/ 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,
THIRUVAIYARU.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUKKATTUPALLI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19153 of 2021
Date :03/12/2021

SJI
MK/PN/SAR.III/03.12.2021/3P/6C