



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 17/12/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD)No.19441 of 2021

G.Ajithkumar : Petitioner/Accused No.1

Vs

State Rep.by
The Sub Inspector of Police,
Irukkangudi Police Station,
Virudhunagar District.
(Crime No.117 of 2021)

: Respondent/Complainant

For Petitioner : Mr.K.P.Sankarakumarakuruparan, Advocate

For Respondent : Mr.R.Meenakshisundaram

Additional Public Prosecutor

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

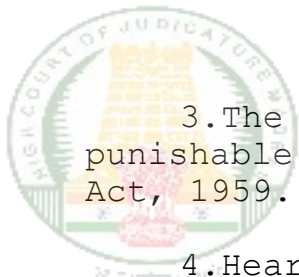
PRAYER :-

For Bail in Crime No.117/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1 was arrested and remanded to judicial custody on 27/09/2021 for the alleged offences punishable under Sections 294(b), 506(ii) IPC r/w 25 (1A) of Arms Act, 1959, in Crime No.117 of 2021 on the file of the respondent police and hence, seeks bail.

2.The case of the prosecution is that on 27/09/2021 at about 2.00 am, this petitioner along with other accused persons came to the ancestral house of the de-facto complainant and was making trouble. On information, the de-facto complainant went to the place of occurrence along with his wife. At that time, this petitioner was found with another person with patta kathi and demanded share in the ancestral property and abused him in filthy language and attempted to murder him and also criminally intimidated the de-facto complainant. Later, when the neighbours gathered, two people fled away from the place of occurrence.



3.The petitioner is facing the charges for the offences punishable under Sections 294(b), 506(ii) IPC r/w 25 (1A) of Arms Act, 1959.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.

5.Finding that this petitioner is involved in previous case, the learned Additional Public Prosecutor would submit that if the petitioner is released on bail, there is every likelihood of committing the similar nature of the offence in future also. Section 25-A of the Arms Act has been amended in, 2019 to the effect that the punishment for the above said commission of offence may extend to 14 years. So according to the prosecution, this petitioner is not entitled for statutory bail.

6.On the earlier occasion, the bail application that has been filed by the petitioner in Cr.M.P No.2585 of 2021 came to be dismissed by the Principal District and Sessions Judge, Virudunagar @ Srivilliputhur, dated 22.11.2021 on the ground that the petitioner is involved in previous case in Crime No.445 of 2021 for the offences 366, 324, 427 and 506(ii) of IPC.

7.But however, considering period of incarceration, the petitioner is entitled to bail, even though he is involved in previous case. Accordingly, this Court is inclined to grant bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be **released on bail** on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Sattur and on further condition that the petitioner shall report before the respondent police daily at 10.00 am until further orders.

sd/-
17/12/2021

/ TRUE COPY /

/ /2021
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.

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- To
- 1 THE JUDICIAL MAGISTRATE NO.III
SATTUR.
 - 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
 - 3 THE SUB INSPECTOR OF POLICE
IRUKKANGUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE OFFICER INCHARGE
DISTRICT JAIL, THENI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SANKARAKUMARAKURUPARAN K.P Advocate SR.No.9455

ORDER
IN
CRL OP(MD) No.19441 of 2021
Date :17/12/2021

RS/VR/SAR4(17.12.2021) 3P-7C