



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4045 of 2022

Vinish

... Petitioner/Accused No.8

Vs

The State rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Cr.No.2031/2020).

... Respondent/Complainant

For Petitioner : M/s.KARUNAKARANN.K.M.,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.2031 of 2020 on the file of the Respondent Police.

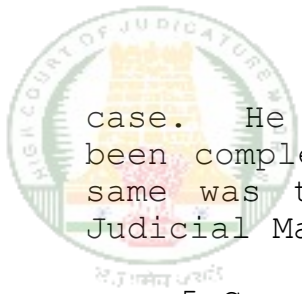
ORDER : The Court made the following order :-

The petitioner/A8, who was arrested and remanded to judicial custody on 23.12.2021 for the offences punishable under Sections 147, 148, 120(B) of IPC r/w Section 25(1A) of Arms Act, in Crime No.2031 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that based on the secret information given by the informant, on 29.12.2020, the respondent police conducted a raid at Maharaj Samuthiram Bridge and found the petitioner and other accused with deadly weapons. On seeing the police, the petitioner and other accused had escaped from the scene of occurrence and the police only nabbed A1 to A4. Based on the confession statement of the co-accused, the petitioner was implicated in this case. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and based on the confession statement of the co-accused, the petitioner was implicated in this case. He would further submit that except A7, all other accused were already granted bail by the learned Principal Sessions Judge and hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is having four previous cases including a murder



case. He would further submit that the investigation has already been completed and the charge sheet has already been filed and the same was taken on file in C.C.No.238 of 2021 before the learned Judicial Magistrate, Pattukottai.

5. Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 23.12.2021 and also the facts that except A7, all other accused were already granted bail by the Principal Sessions Judge and that the investigation has already been completed and the charge sheet has already been filed and the same was taken on file in C.C.No.238 of 2021 before the learned Judicial Magistrate, Pattukottai, 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, Pattukottai.

(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 trial Court on all working days 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/03/2022

/ TRUE COPY /

02/03/2022

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
PATTUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKKOTTAI.

4 THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER

IN

CRL OP (MD) No.4045 of 2022

Date : 02/03/2022

SA/VR/SAR.4/02.03.2022/3P/6C