



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.4043 of 2022

Deepakraj ... Petitioner/Accused No.1
Vs
The State rep.by
The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District
(Crime No. 544 of 2021). ... Respondent/Complainant

For Petitioner : M/s.SURESH KANNAN.C.,
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.544 of 2021 on the file of the respondent police.

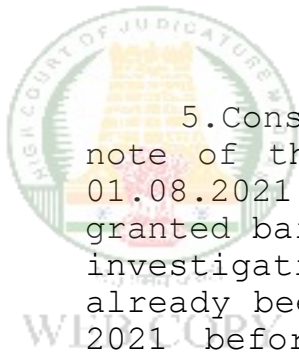
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 01.08.2021 for the offences punishable under Sections 399, 212 and 120(b) of IPC r/w 25(1-A) of Indian Arms Act, in Crime No.544 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.08.2021, when the respondent police conducted a vehicle check up, they found the petitioner and other accused possessed swords and prepared to commit criminal conspiracy together. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that A2 to A8 were already granted bail by the Principal Sessions Court, Thanjavur.

4.The learned Additional Public Prosecutor would submit that the petitioner is having ten previous cases including two murder cases. 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 P.R.C.No.17 of 2021 before the learned Judicial Magistrate, Thiruvaiyaru.



5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 01.08.2021 and also the facts that the co-accused were already granted bail by the Principal Sessions Court, Thanjavur and that the investigation has already been completed and the charge sheet has already been filed and the same was taken on file in P.R.C.No.17 of 2021 before the learned Judicial Magistrate, Thiruvaiyaru, 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, Thiruvaiyaru, Thanjavur District.

(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 committal 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 /

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

COPY TO:

THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR

ORDER

IN

CRL OP(MD) No.4043 of 2022

Date :02/03/2022

SA/VR/SAR.4/02.03.2022/3P/7C