



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

Date : 24/03/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.5436 of 2022

Rajesh @ Kozhi Rajesh

... Petitioner/Accused No.2

Vs

The Inspector of Police,  
Thanjavur Town West Police Station,  
Thanjavur District.

(Crime No.1652 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Balasubramani.N.,  
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.1652 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 21.02.2022 for the offences punishable under Sections 294 (b), 307, 505(2) and 506(2) of IPC, in Crime No.1652 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.11.2021, while the de-facto complainant and his friend were consuming liquor, the petitioner and other accused persons came there, scolded them in filthy language and threatened them with lethal weapons. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there are no specific allegations against the petitioner and that the above case has been put up for the purpose of detaining him under Goondas Act. He would further submit that the co-accused were already released on bail by the Sessions Court.

4.The learned Additional Public Prosecutor would submit that all co-accused were already arrested and released on bail and



since the petitioner is having 10 previous cases, his application was dismissed by the learned Principal Sessions Judge, Thanjavur. He would further submit that no one was injured in this case.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 21.02.2022 and also the facts that no one was injured in this case and that the all other accused were already released on bail by the Sessions Court, 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.1, Thanjavur.

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-  
24/03/2022

/ TRUE COPY /

24/03/2022  
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



TO

1. THE JUDICIAL MAGISTRATE NO.I,  
THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,  
DISTRICT PRISON, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,  
THANJAVUR TOWN WEST POLICE STATION,  
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.5436 of 2022  
Date :24/03/2022

SJI  
MS/PN/SAR-1/24.03.2022/3P.6C