



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

Date : 05/04/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.6238 of 2022

Azhakesan ... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur.
(Crime No.37/2022).

... Respondent/Complainant

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

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

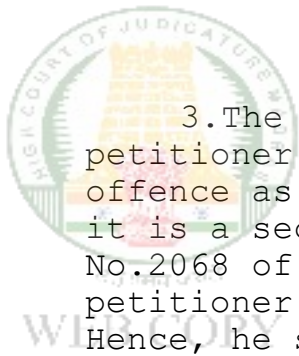
PRAYER :-

For Bail in Crime No.37/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 16.01.2022 for the alleged offence under Sections 294(b), 353, 307 IPC r/w Section 3(1) of Tamilnadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.37 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 16.01.2022, at about 11.00 a.m, the petitioner alleged to have gathered people in the place of occurrence for the purpose of meeting with regard to temple issue. On information of the above said gathering, when the defacto complainant went to the occurrence place at about 10.30 am, the other people ran away. But, this petitioner criminally intimidated the defacto complainant with an aruval and tried to assault him. But, he escaped from the assault. The petitioner damaged the front side glass of the two wheeler. When the defacto complainant tried to nab, the petitioner escaped from the place of occurrence. Hence, the present case has been registered against the petitioner.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that it is a second bail application. First application in Crl.OP(MD) No.2068 of 2022 was dismissed by this Court on 05.01.2022. The petitioner was arrested on 16.01.2022. Ever since he is in custody. Hence, he seeks to grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that earlier bail application filed by this petitioner was dismissed by this Court on the ground that the petitioner is a History Sheeted Rowdy and he is having 11 previous cases. Now, investigation is not completed.

5.Considering the duration of custody and also considering the fact that the investigation is not completed after a lapse of 80 days, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 District Munsif Cum Judicial Magistrate, Papanasam, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

05/04/2022

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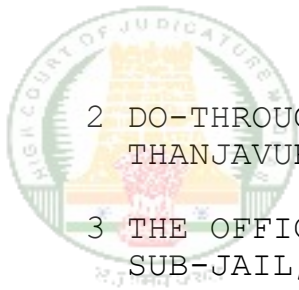
05/04/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PAPANASAM.



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

3 THE OFFICER INCHARGE
SUB-JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE
AYYAMPETTAI POLICE STATION,
THANJAVUR.

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

+1 CC TO MR.VR.SHANMUGANATHAN, Advocate (SR-3034 dated 06.04.2022)

ORDER

IN

CRL OP(MD) No.6238 of 2022

Date :05/04/2022

RS/VR/SAR.1(05.04.2022) 3P-7C