



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6017 of 2022

Vellapandi

... Petitioner/ Accused No.1

Vs

State represented by its
The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.
(Crime No.124 of 2022)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

PRAYER :-For Bail in Crime No.124 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 19.03.2022 for the offences punishable under Sections 120 (B) of IPC and Section 25(1A) of Arms Act, 1959, in Crime No.124 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 18.03.2022, when the respondent police was on patrol duty, they found that the accused were in possession of aruval. On seeing the police, all the accused had tried to escape from the scene of occurrence and the police caught hold them. On enquiry, it revealed that to retaliate for the murder of the brother of the petitioner, the petitioner along with other accused planned to murder one Lamac and they departed from the place of occurrence. Hence, the complaint.

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 at the time of remand, the learned Magistrate had mistakenly added the offence under Section 302 IPC.

4.The learned Additional Public Prosecutor would submit that no one sustained injury in this case and that the petitioner is having four previous cases and the cases were registered for the offence under Section 506(2) IPC and other minor offences.

5.Considering the nature of the charges levelled against the petitioner and also taking note of the fact that the petitioner is in judicial custody from 19.03.2022 and also the fact that no one was injured in this case, 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 Court, Sankarankovil.

(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., for a period of one month and thereafter as and when required for interrogation;

(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/-
31/03/2022

/ TRUE COPY /

31/03/2022
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,
SANKARANKOVIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KARIVALAMVANTHANALLUR POLICE STATION,
TENKASI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6017 of 2022
Date :31/03/2022

CSM
MK/PN/SAR.II/31.03.2022/3P/6C