



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(CRIMINAL JURISDICTION)

DATE : 05/05/2022

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PRESENT

THE HON`BLE MR.JUSTICE M.S.RAMESH

CRL OP(MD) . NO.8803 OF 2022

1.PERIYASAMY,

2.ARUN PANDIYAN,

3.SURYA,

... PETITIONERS/ACCUSED NO.2,4 AND 5

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.

(CRIME NO.141 OF 2022.) ... RESPONDENT/COMPLAINANT

FOR PETITIONERS : M/S. ARUNRAJ K,
ADVOCATE.

FOR RESPONDENT : MR.A.THIRUVADIKUMAR,
ADDITIONAL PUBLIC PROSECUTOR

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

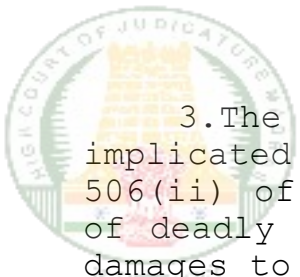
PRAYER :-

For Bail in Crime No.141 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2, 4 and 5, who were arrested and remanded to judicial custody on 25.04.2022 for the offences punishable under Sections 147, 148, 294(b), 427 and 506(ii) of IPC r/w Section 25(1A) of Arms Act, 1959 in Crime No.141 of 2022, on the file of the respondent police, seek bail.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.



3.The petitioners herein along with four others have been implicated for the offences under Sections 147, 148, 294(b), 427 and 506(ii) of IPC r/w Section 25(1A) of Arms Act, 1959 for possession of deadly weapons. In the occurrence, none was injured except for damages to the two-wheeler, auto rickshaw and tree.

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4.The learned counsel for the petitioners submitted that there was a dispute between the petitioners and the son of the de-facto complainant and therefore, a false complaint has been lodged.

5.Per contra, the learned Additional Public Prosecutor, on written instructions from the Inspector of Police, submitted that since the petitioners herein had caused open public threat, they intend to detain them under Act-14.

6.Admittedly, there are no other cases pending as against the petitioners herein. The petitioners have also been in judicial custody from 25.04.2022. The incident seems to have been occurred owing to dispute between the de-facto complainant and the petitioners herein. Though the petitioners are alleged to have been in possession of some deadly weapons, they have not caused any injury on the body of the de-facto complainant or her family. Since the petitioners have been in custody from 25.04.2022 onwards, this Court is inclined to grant bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manapparai.

(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 petitioners 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 petitioners shall not tamper with evidence or witness;

(iv)the petitioners 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 petitioners 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]***.

Sd/-
05/05/2022

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05/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI/LM

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,
MANAPPARAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
4. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8803 of 2022
Date : 05/05/2022

GC/VRS/SAR-3 (05.05.2022) 3P 6C