



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

Date : 22.07.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.13276 of 2022

WEB COPY

Thameemansari

... Petitioner/Accused

Vs

State represented by
The Inspector of Police,
Kumbakonam West Police Station,
Thanjavur District.
(Crime No.447 of 2022).

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side).

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

PRAYER :-

For Bail in Crime No.447 of 2022 on the file of the Respondent Police.

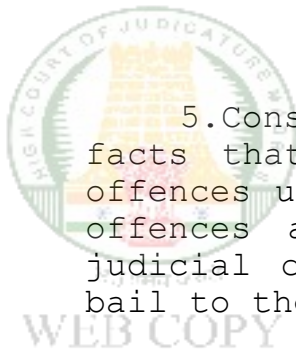
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 17.06.2022 for the offences punishable under Sections 294(b), 447, 427 and 506(2) IPC and Section 27(1) of Arms Act, 1959, in Crime No.447 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.06.2022, the petitioner had trespassed into the shop of the defacto complainant and abused the defacto complainant and threatened him with dire consequences by showing knife and also damaged glass showcase of the defacto complainant's shop. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that the petitioner has no way connected with the alleged occurrence.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is having 4 previous cases. He would further submit that the petitioner caused damage to the tune of Rs.2,000/- and that no one was injured in the incident.



5. Considering the above facts and circumstances and the facts that no one was injured in the incident, that except the offences under Sections 506(2) IPC and 27(1) of Arms Act, all other offences are bailable in nature and that the petitioner is in judicial custody from 17.06.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Kumbakonam, Thanjavur District.

7. On production of such receipt/acknowledgment, 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.I, Kumbakonam, 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 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/07/2022

/ TRUE COPY /

22/07/2022

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, 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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM, THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE, KUMBAKONAM WEST POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE OFFICER INCHARGE, SUB JAIL, PAPANASAM, THANJAVUR.
 - 5 THE OFFICER INCHARGE, ADVOCATES WELFARE FUND,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13276 of 2022
Date : 22/07/2022

RS/VR/SAR.3 (22.07.2022) 3P-7C