



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/09/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.17248 of 2022

Puli @ Muthusamy

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Budalur Police Station,
Thanjavur District.
(Crime No.22/2020).

... Respondent/Complainant

For Petitioner : M/s.Vetrivel B, Advocate

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER :- To enlarge him on bail in PRC No.6/2021 on the file of the Judicial Magistrate, Thiruvaiyaru in connection with Crime No.22/2020 on the file of the Inspector of Police, Budalur Police Station, Thanjavur District.

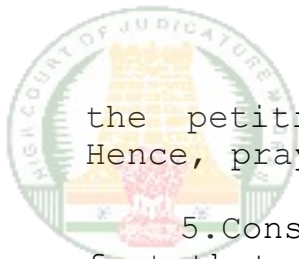
ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 11.07.2022, in pursuant to NBW issued by the Judicial Magistrate, Thiruvaiyaru in PRC No.6 of 2021, connected in Crime No.22 of 2020, the alleged offence under Sections 399 IPC and 25(1a) of Arms Act, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 31.01.2020, the accused persons standing in the forest area and possessed lethal weapons and planned to do some illegal activity. Hence, the case.

3.On the side of petitioner, it is stated that due to absence of petitioner, NBW has been issued against him by the trial Court on 04.12.2021 and he was remanded on 11.07.2022. Hence, prays for bail.

4.It is submitted by the prosecution that during the pendency of trial, the petitioner was not appeared and NBW was issued against him. The petitioner is A2. The case is pending for appearance of



the petitioner. The petitioner is having nine previous. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the offence, the fact that the case against the petitioner was already charge sheeted as PRC No.6 of 2021, on the file of Judicial Magistrate, Thiruvaiyaru and he was remanded on execution of NBW and also considering his period of incarceration, ie., more than 70 days, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only) each to the credit of the Head Mistress, Govt. High School, Sathyamoorthy Nagar, Madurai (SBI Bank, CIF No.85420502171, A/c No.30641540761, IFSC No.SBIN0016503), Phone No.2463101**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the trial Court.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate, Thiruvaiyaru.

a) 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;

b) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30p.m. until further orders;

c) the petitioner shall not tamper with evidence or witness;

d) the petitioner shall appear before the concerned Court on all hearing dates and appear before the respondent Police, as and when required;

e) 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/09/2022

/ TRUE COPY /

/09/2022

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



TO

1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU.

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

3 THE OFFICER INCHARGE
DISTRICT PRISON,
PERAVURANI, THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
THANJAVUR DISTRICT.

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

COPY TO:

THE HEAD MISTRESS,
GOVERNMENT HIGH SCHOOL,
SATHYAMOORTHY NAGAR, MADURAI.

ORDER

IN

CRL OP(MD) No.17248 of 2022

Date :27/09/2022

PNM

SA/GB/SAR.1/28.09.2022/3P/7C