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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17955 of 2022

1. Senthil,

2. Sakthi Gowtham Raj,

... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
Swamimalai Police Station,
Thanjavur District.
(Crime No.680/2022).

... Respondent/Complainant

For Petitioner : Mr.R.Subramanian, Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.680/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded judicial custody on 25.09.2022 for the offences punishable under Sections 294(b), 386 and 506(ii) IPC r/w 25(1)(A) of Arms Act, 1959 in Crime No.680 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 25.09.2022, the petitioners threatened the de-facto complainant by showing sword and took away Rs.200/- from his pocket.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any



offence as alleged by the prosecution. He would further submit that the petitioners are in judicial custody from 25.09.2022 and hence, he prays for bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent would submit that there are two accused in this case and the investigation is almost completed. He would further submit that the first petitioner is having four previous cases and the second petitioner is having three previous cases.

5.Considering the facts and circumstances of the case and also considering the facts that the investigation is almost completed and the petitioners are in custody from 25.09.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6.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 Court No.II at 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 8 weeks 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 petitioners 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/-
06/10/2022

/ TRUE COPY /

06/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



SJI

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 NO.II
AT KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVIDAIMARUTHUR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-10933[I] dated 06/10/2022)

ORDER
IN
CRL OP(MD) No.17955 of 2022
Date :06/10/2022

PKP/SVR/SAR-4/06.10.2022/3P/7C