



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/10/2022

PRESENT

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

CRL OP(MD). No.19170 of 2022

WEB COPY

Vinish

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Crime No.1209/2022).

... Respondent/Complainant

For Petitioner : M/s. Karunakaran.K.M.,
Advocate.

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

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

PRAYER :-

To Bail in Cr No.1209/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 12.10.2022 for the offence punishable under Section 25(1-A) of Arms Act, in Crime No.1209 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.10.2022, the petitioner along with other accused said to have stood in the middle of the road possessing with aruval and causing intimidation to the general public. Hence, the present case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 12.10.2022 and he may be released on bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that charge sheet was filed. The petitioner is having 10 previous cases. Hence, he strongly opposed to grant bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 learned Judicial Magistrate, Pattukottai.

(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 is directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) to the credit of the Head Mistress, MDU East PU Primary School, Y.Othakadai, Madurai (SBI Bank, CIF No.80080760812, A/c No.10111536270, IFSC No.SBIN0002246), Phone No.2422950**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties;

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

31/10/2022

/ TRUE COPY /

31/10/2022

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.

<https://www.mhc.tn.gov.in/judis>



TO

1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE HEAD MISTRESS,
MDU EAST PU PRIMARY SCHOOL,
Y.OTHAKADAI, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-12117[I] dated
31/10/2022)

ORDER

IN

CRL OP(MD) No.19170 of 2022

Date :31/10/2022

DSS

USK/VR/SAR-I/31.10.2022/3P/8C