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CRL OP(MD). N



22

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

Date : 04/11/2022

PRESENT

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

CRL OP(MD) . No.19537 of 2022

Rajkumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
TMCH Police Station,
Thanjavur District
(Crime No.994 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Ezhilarasu C, Advocate.

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

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

PRAYER :-

For Bail in Crime No.994 of 2022 on the file of the Respondent Police.

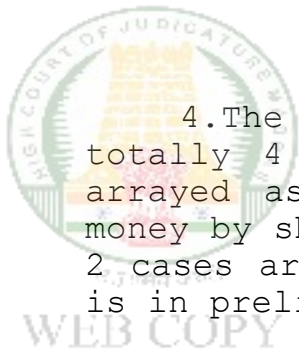
ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 21.10.2022 for the offences punishable under Sections 147, 148, 294(b), 506(ii) of IPC and Section 25 (1-A) of Arms Act, in crime No.994 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.10.2022, the petitioner along with other accused said to have come to the hotel namely 'Murugan Residency' possessing with long sword and threatened the defacto complainant with dire consequences by showing the sword. Hence, the complaint.

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 21.10.2022 and no one has sustained injury. Hence he prays to grant of bail to the petitioner.

<https://www.mhc.go.in/judis>



4.The learned Government Advocate (Crl. side) would state that totally 4 accused are involved in this case. The petitioner was arrayed as A2. The petitioner along with other accused demanded money by showing sword. He is having 4 previous cases. Out of which, 2 cases are 307 IPC and 1 case is 302 IPC. Since the investigation is in preliminary stage, he strongly opposed to grant bail.

5.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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 No.II, Thanjavur.

(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 **Vallam Police Station, Thanjavur, 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].

sd/-

04/11/2022

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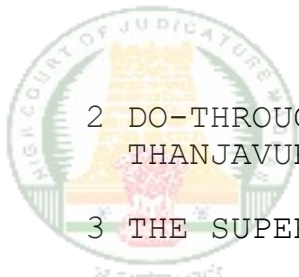
04/11/2022

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.

TO

1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.



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

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

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

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

COPY TO

THE INSPECTOR OF POLICE,
VALLAM POLICE STATION,
THANJAVUR.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-12468[I] dated 04/11/2022)

ORDER

IN

CRL OP(MD) No.19537 of 2022

Date :04/11/2022

DSS

RS/SBN/SAR.(04.11.2022) 3P-8C