



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

Date : 01/12/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.21290 of 2022

Sethupathy @ Sethu

... Petitioner/Accused

Vs

The State Rep. By,
The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No.1201 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Ramesh Kumar S,
Advocate.

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

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

PRAYER :-

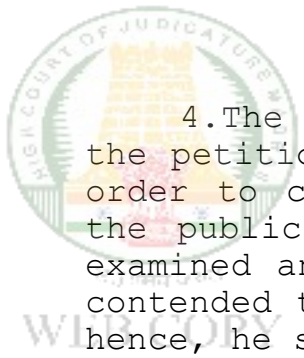
For Bail in Crime No.1201 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to
judicial custody on 01.11.2022 for the offences punishable under
Section 25(1A) of Arms Act, in crime No.1201 of 2022 on the file of
the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has
possessed long Aruval in order to commit the offence of decoity by
causing intimidation to the public. 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 his name has been false implicated
in this case. He further submitted that the petitioner is in
judicial custody from 01.11.2022 and seeks bail.



4.The learned Additional Public Prosecutor would submit that the petitioner herein is illegally found in possession of Aruval in order to commit the offence of decoity by causing intimidation to the public. He would further submit that two witnesses have been examined and the investigation of the case is pending. He further contended that the petitioner herein is having 7 previous cases and hence, he strongly opposed to grant bail to the petitioner.

5.Considering the submissions made by the learned counsel appearing on either side and also considering the fact that two witnesses have been examined 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.I, Pattukkottai and on further condition that;

(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 appear 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/-
01/12/2022

/ TRUE COPY /

01/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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

ORDER
IN
CRL OP(MD) No.21290 of 2022
Date :01/12/2022

trp
USK/SSS/SAR-III/01.12.2022/3P/6C