



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

Date : 19/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22170 of 2022

1. Ramesh
2. Azhagar

... Petitioners/Accused No.2&3

Vs

The State Rep. By,
The Inspector of Police,
Kumbakonam East Police Station,
Thanjavur.
Cr.No.531/2022.

... Respondent/Complainant

For Petitioner : M/s. Mayilvahana Rajendran.C,
Advocate.

For Respondent : Mr.T. Senthilkumar,
Additional Public Prosecutor

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

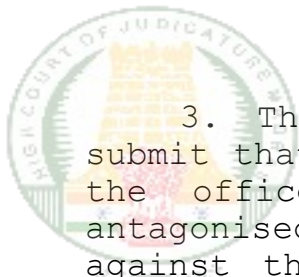
PRAYER :-

For Bail in **(*)Crime No.531/2022** on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners who were arrested and remanded to judicial custody on 16.10.2022 for the offence punishable under Section 201, 204, 217, 218, 219, 381 and 409 IPC in **(*)Crime No.531 of 2022** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, who is working as Head Clerk in Judicial Magistrate No.I, Kumbakonam that the case file pertaining to the PRC.No.27 of 2009 was found missing, which was maintained by the A1, who is working as Bench Clerk. A1 has made a wrong entry in the register as if the case was committed to Principal Sessions Judge, Thanjavur and further on the instigation of the petitioners, A1 destroyed the case file. Hence, the complaint.



3. The learned counsel appearing for the petitioners would submit that due to previous enmity between A1 and his colleagues in the office of the Judicial Magistrate, the persons who are antagonised have destroyed the records and given a false complaint against the petitioners. He would further submit that now, the bundles are re-constructed and the case is to be committed to the trial Court. He further contended that the petitioners are in judicial custody from 16.10.2022 and seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are beneficiaries in this case and earlier they have involved in Crime No. 257 of 2009 for the offence under Section 302 IPC and the same was taken file as PRC.No.27 of 2009 on the file of the Judicial Magistrate No.I, Kumbakonam. He further submitted that the petitioners along with other accused, who is the Bench Clerk made entries as if the case has already been committed to the Court of Sessions and he destroyed the case bundle. However, now, the bundles have been reconstructed. As far as the present case is concerned, it is pending for investigation and hence, he strongly objected to grant bail to the petitioners.

5. Heard and perused the materials on record. Taking into consideration of the facts and submissions made by the learned counsels and that the petitioners are in judicial custody from 16.10.2022, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute 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 No-I, Kumbakonam, and on further conditions that:

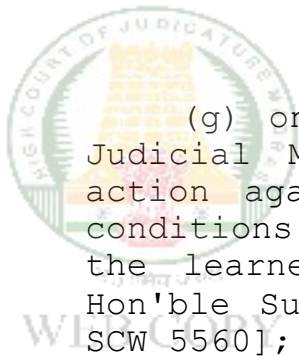
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners shall appear before the learned Judicial Magistrate No.I, Kumbakonam, on all working days at 10.30 a.m., until further orders;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness or influence the investigation or trial;



(g) on breach of any of the aforesaid conditions, the Judicial 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 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

(*) AMENDED as per order of this Court dated 19/12/2022 in CRL MP (MD)No.15834/2022 in CRL OP(MD) No.22170/2022.

sd/-
19/12/2022

/ TRUE COPY /

19/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.MAYILVAHANA RAJENDRAN.C, Advocate (SR-15105[I] dated 19/12/2022)

ORDER
IN
CRL OP(MD) No.22170 of 2022
Date :19/12/2022

trp
USK/VR/SAR- /19.12.2022/3P/7C