



WEB COPY

CRL OP(MD)



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/01/2023

PRESENT

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

CRL OP(MD). No.736 of 2023

Maharajan @ Senthur Maharajan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City
(Crime No.367 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jeyakarthik.M.S.,
Advocate.

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

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

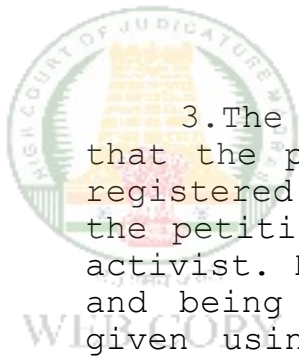
PRAYER :-

For Bail in Crime No.367 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 16.12.2022 for the offences punishable under Sections 294(b), 353 and 506(ii) IPC and Section 25(1-A) of Arms Act in Crime No.367 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant Murugan, Special Sub-Inspector of Police, Perumalpuram Police Station, is that on 16.12.2022, while he along with his police party were conducting vehicle search, they have seen the vehicle, viz., Mahindra Car bearing Reg.No.TN-39-BS-7983 and it was stopped the accused have got down from the car and showed the pistol against him, had threatened the de-facto complainant stating that he is the National Leader of Tamil Desam Katchi and also threatened the other police officers. Hence, the case.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been registered due to political rivalry. He would further submit that the petitioner is the founder of the political party and a social activist. He had raised his voice against the misdeeds of the police and being antagonised with the same, a false complaint has been given using the defacto complainant and the petitioner has been arrested. He would further submit that the petitioner has no previous case and he is in custody from 16.12.2022. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner's vehicle was intercepted by the respondent police during a routine vehicle check up, at that time, the petitioner had shown the brandished pistol against the de-facto complainant and threatened him and he was arrested on the spot. During search of the vehicle, one aruval was seized and he would oppose for grant of bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels, this court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Tirunelveli, and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

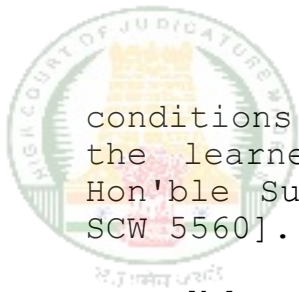
[c] the petitioner shall report before the respondent police daily at 10.30 A.M., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned 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 petitioner released or 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

11/01/2023

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11/01/2023

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

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE, PERUMALPURAM POLICE STATION,
TIRUNELVELI CITY, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.JEYAKARTHIK.M.S., Advocate (SR-584[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.736 of 2023

Date :11/01/2023

RS/SSS/SAR.(11.01.2023) 3P-7C