



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27.01.2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD) . No.1318 of 2023

WEB COPY

Mukesh

... Petitioner/1st Accused

Vs

State rep.by
The Inspector of Police,
Jegathapattinam Police Station,
Pudukottai District.
(Crime No.79/2022).

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar, Advocate.
For Respondent : Mr.A.Albert James,
Government Advocate(Crl.Side)

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

PRAYER :-For Bail in Crime No.79/2022 on the file of the respondent police.

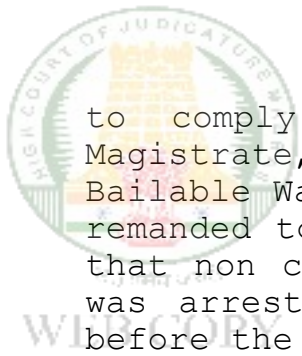
[Amended as per order of the court dated
24/01/2023 in CRL MP(MD)No.1298 of 2023
in Crl.O.P.(MD)No.1318 of 2023]

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 27.12.2022 for the offence punishable under Section 25 (1A) of Arms Act r/w Sections 294(b), 323, 324 and 506(ii) IPC r/w Section 4 of TNPHW Act in Crime No.79 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant Jeyanathan, is that due to previous enmity, on 29.09.2022, the accused had abused and assaulted him with knife, resulting in him, sustaining injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner was earlier arrested and granted bail by the learned Principal District and Sessions Judge, Pudukkottai in Crl.M.P.No.3572 of 2022 by order dated 13.10.2022 with condition to stay at Thiruvallur and report before the Thiruvallur Town Police Station. Thereafter, the petitioner has returned back to his village to attend a function. During such time, the petitioner has been falsely implicated in the case registered in Crime No.90 of 2022 and the petitioner was arrested in that case and thereby, he was unable



to comply with the condition to report before the Judicial Magistrate, Thiruvallur and thereby the trial court had issued Non Bailable Warrant, pursuant to which, the petitioner was arrested and remanded to judicial custody on 27.12.2022. He would further submit that non compliance of the condition was not intentional, since he was arrested in the subsequent case and he was unable to appear before the court. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is a habitual offender, against whom, there are two previous cases and thereby, finding that the petitioner is a notorious element, the learned Principal District and Sessions Judge, Pudukottai, while granting bail to him in Crl.M.P.No.3572 of 2022, dated 13.10.2022 had directed the petitioner to stay at Thiruvallur and report before the Thiruvallur Town Police Station, whereas, the petitioner did not appear before the Thiruvallur Town police station and thereby, the bail granted to the petitioner was cancelled and he was arrested pursuant to the same. He would further submit that the petitioner may be granted bail on condition that he shall stay at Thiruvallur and report before the Thiruvallur Town Police Station for a period of one month.

5.Heard. Perused the materials available on record.

6.The trial Court had earlier granted bail to the petitioner in Crl.M.P.(MD)No.3572 of 2022 by order dated 13.10.2022 with the condition to stay at Thiruvallur, since because he has not complied with the condition, the bail came to be cancelled.

7.In view of the above, this Court is inclined to grant bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail on his 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 learned Judicial Magistrate, Aranthangi, and on further conditions that :-

[a] 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.

[b] the petitioner shall stay at Thiruvallur and report before the Thiruvallur Town Police Station everyday at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police daily at 10.30 a.m., until further orders;

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

[e] the petitioner shall not tamper with evidence or witness or influence investigation or trial.



[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

9. In view of the above, the further condition imposed by this Court in Crl.O.P.(MD)No.21138 of 2022, dated 30.11.2022, in respect of the petitioner to report before the respondent police daily at 10.30 a.m., until further orders, is modified to the effect that the petitioner shall appear before the Thiruvallur Town Police Station everyday at 10.30 a.m. for a period of two weeks and thereafter, report before the respondent police daily at 10.30 a.m., until further orders.

sd/-

27/01/2023

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27/01/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
JEGATHAPATTINAM POLICE STATION,
PUDUKKOTTAI DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR DISTRICT.

+1. CC to M/S.LENIN KUMAR.T Advocate SR.No.1356.

ORDER

IN

CRL OP(MD) No.1318 of 2023

Date :27/01/2023

sjj

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