



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2023

PRESENT

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

CRL OP(MD) . No.1812 of 2023

Vikram

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Crime No.28/2023).

... Respondent/Complainant

For Petitioner : M/s.Venkatesh D,
Advocate.

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

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

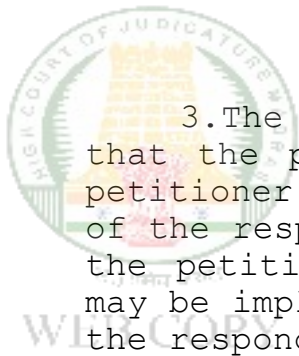
PRAYER :-

For Bail in Crime No.28/2023 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 09.01.2023 for the offence punishable under Section 25(1A) of Arms Act, 1959 in Crime No.28 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant Chandrasekaran, Sub-Inspector of Police, is that on specific information, that the petitioner, who is a history sheeted rowdy element bearing H.S.No.677 of 20123 was terrorising the public with the big sword, the de-facto complainant along with his party gone to the place. At that time, the petitioner had attempted to escape, but the respondent police arrested the petitioner. During enquiry, the petitioner had confessed that he was not having any money and in order to make money, he had attempted to threaten the public. Hence, the case.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and the fact remains that the petitioner has got 12 previous cases, which were pending on the file of the respondent police station. The respondent police had summoned the petitioner to appear before them. Fearing that the petitioner may be implicated in this case, the petitioner did not appear before the respondent police and thereby, the respondent police has foisted a false case, as if, the petitioner had terrorised the public with sword. He would further submit that the very reading of the FIR would go to show that it is a case foisted for the purpose of arresting the petitioner. He would further submit that the petitioner is regularly appearing before the trial Court in all the cases. He would further submit that the petitioner is ready and willing to abide by any stringent condition that may be imposed on him. Hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender and he was found terrorising the public with the large sword and he had intended to collect money from the public for his drinking and drug habits and hence, he would object 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 and that the period of incarceration, 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, Pattukottai, 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 06.30 P.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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/02/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate, Pattukottai.
 2. Do-Through The Chief Judicial Magistrate,
Thanjore District.
 3. The Superintendent, District Jail, Pudukottai.
 4. The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.VENKATESH D Advocate SR.No.2738

ORDER
IN
CRL OP(MD) No.1812 of 2023
Date :23/02/2023