



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

Date : 13/02/2023

PRESENT

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

WEB COPY

CRL OP(MD) . No.2798 of 2023

1. Ramesh @ Naikadi Ramesh

2. Mohan

... Petitioners/Accused 1 & 2

Vs

The State rep.by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District
(Crime No.71 of 2023).

... Respondent/Complainant

For Petitioners : M/s.NAVANEETHARAJA.K,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.71 of 2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2 , who were arrested and remanded to judicial custody on 22.01.2023 for the offence punishable under Sections 399 of IPC r/w.25(1-A) of Arms Act in Crime No.71 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 22.01.2023 the petitioners along with other accused were said to be in possession of deadly weapons and caused criminal intimidation to the public, hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that since the petitioners have previous cases, the respondent police has *suo motu* registered a false case against them. He would further submit that even as per the prosecution the petitioners are alleged to have confessed that they have intended to commit robbery due to their poverty. He would further submit that the petitioners are in judicial custody from 22.01.2023, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing as respondent would submit that the the petitioners along with other accused possessing aruval threatened the public, hence he objected to grant bail to the petitioners. He would further submit that four previous cases are pending against the petitioners, of which one case under Section 302 of IPC, one case under Section 399 of IPC and two cases under Section 506 (ii) of IPC.

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 also taking into consideration the period of incarceration 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.10,000/- (Rupees Ten Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur 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 petitioners shall report before the respondent police daily at 10.30 A.M., until further orders.

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

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

[f] the petitioners 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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

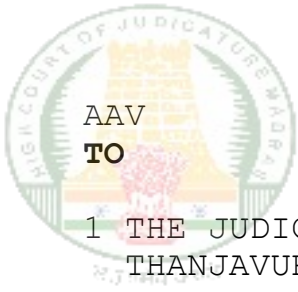
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13/02/2023

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13/02/2023

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



AAV
TO

1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT

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

+1. CC to M/S.NAVANEETHARAJA.K Advocate SR.No.2200

ORDER

IN

CRL OP(MD) No.2798 of 2023

Date :13/02/2023

SA/VR/SAR. /13.02.2023/3P/7C