



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

Date : 17/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8852 of 2023

Petchimuthu

... Petitioner/Accused

Vs

The State represented by
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli DisitRICT
(Crime No.70 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Maran.M,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

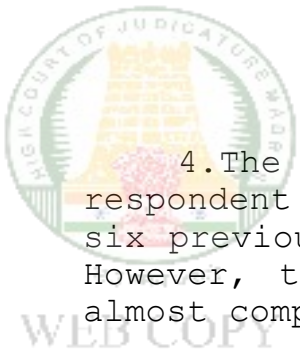
For Bail in Crime No.70 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.04.2023 for the offences punishable under Sections 294(b), 353 and 506(ii) IPC and Section 25(1A) of Arms Act, in Crime No.70 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of weapon and planned to commit murder of the person in group whom committed murder of his brother. When the respondent police intercepted the petitioner, the petitioner abused the police officials by using filthy language and also criminally intimidated them. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 19.04.2023 onwards. Hence, he prays for bail.



4. The learned Government Advocate (Crl.Side) appearing for the respondent raised objection stating that the petitioner is having six previous cases, out of which, one case was already disposed of. However, the weapon was seized from the petitioner. Investigation almost completed.

5. Taking into consideration the facts and circumstances of the case and also taking note of the period of incarceration and also the fact that the investigation almost completed, 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which, one shall be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, 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 every Sunday at 10.30 A.M., for a period of three months and thereafter, as and when required for interrogation;

[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 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/-
17/05/2023

/ TRUE COPY /

17/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
SIVANTHIPATTI POLICE STATION, TIRUNELVELI DISTRICT

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

+1 CC to M/s.M.MARAN, Advocate (SR-7407[I] dated 17/05/2023)

ORDER

IN

CRL OP(MD) No.8852 of 2023

Date :17/05/2023

SS/VR/SAR /17/05/2023/3P/7C