



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

Monday, the Thirty First day of August Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
CRL OP(MD) No.15716 of 2015

D. SANKAR

... PETITIONER/ACCUSED NO.4

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ACHANPUDUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 209 OF 2015)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.S.BALAMURUGAN ADVOCATE

FOR RESPONDENT : MRS.S.PRABHA, GOVERNMENT ADVOCATE (CRL.SIDE)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

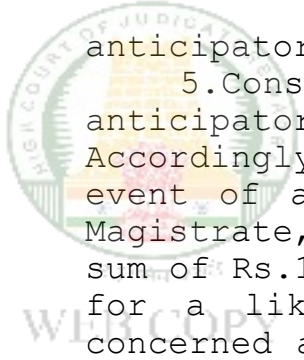
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.4, was apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 25(1)(A) of Indian Arms Act and Sections 3 & 4 of Explosive Substance Act, 1908, in Crime No.209 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the defacto complainant, the Inspector of Police, Achenputhur police Station, that on 04.08.2015 while they were conducting the vehicle check-up, the accused was possessing SBBL Country made Gun without proper license.

3.The learned counsel for the petitioner submitted that totally there are 6 accused and except this petitioner, the other accused were arrested and released on bail. It is further submitted that the petitioner was assaulted by the respondent police during the temple festival, for which, he had filed a complaint before the Human Rights Commission on 15.06.2015 and also filed a writ petition before this Court in W.P.(MD)No.13219 of 2015 on 27.07.2015. In view of the above facts, the petitioner has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) vehemently opposed the granting of bail to the petitioner and also filed a counter affidavit stating that the petitioner is having 6 previous cases to his credit and he escaped from the scene of occurrence while the gun was recovered from the other accused. It is further submitted that the petitioner is a History Sheeter and he is not entitled for



anticipatory bail.

5. Considering the facts, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Shenkottai and on each of them 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 the learned Magistrate concerned and on further condition that the petitioner shall appear before the Shencottah police station daily twice at 10.00 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
31/08/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, SHENKOTTAI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. STATE REP BY INSPECTOR OF POLICE,
ACHANPUDUR POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.BALAMURUGAN Advocate SR.No. 50189

ORDER
IN
CRL OP(MD) No.15716 of 2015
Date :31/08/2015

2P/6C
TE/SKS-RR/SAR-I 03/09/2015