



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

Wednesday, the Twenty Fifth day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CRL OP (MD) No.8359 of 2016

KRISHNAMOORTHY

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION,
KARAIKUDI,
SIVAGANGAI DISTRICT.
CRIME NO. 289 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SATHEESHKUMAR, Advocate
For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 11.05.2016 for the offences punishable under Section 25(1)(A) of Arms Act, in Crime No.289 of 2016 on the file of the respondent police, filed the present petition seeking bail.

2.The case of the prosecution is that on 11.05.2016, when the revenue officials along with the police officials are doing vehicle checkup, the petitioner has been enquired and found with a pistol and on enquiry, he has not able to give proper reason for having the pistol and he is not having proper license for the same and hence, the case has been registered against the petitioner.

3.Mr.S.Satheesh Kumar, learned counsel appearing for the petitioner has submitted that petitioner is no way connected with the alleged offence and the petitioner is selling toys and the arm, which was alleged to have been taken from him is only a toy pistol and he is involving in the commission of offence and hence, he prayed for bail to the petitioner.

4.Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State submits that investigation of the case is almost over and the pistol has been sent for getting expert opinion to find as to whether the pistol is a toy pistol or a real one. He has also submitted that there is no previous case against the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Considering the facts and circumstances of the case, this



Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions:

(a) the petitioner shall 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, Karaikudi;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioner shall not abscond either during investigation or trial.

(e) 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]**.

sd/-

25/05/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, KARAİKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE, KARAİKUDI NORTH POLICE STATION,
KARAİKUDI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE OFFICER IN CHARGE, DISTRICT JAIL, PUDUKOTTAI.

+1. CC to M/S.A.ANANDAN Advocate SR.No.27127
ARUL
CSL/AAL-MPA/SAR-I/26.05.2016 :2P/7C

ORDER

IN

CRL OP(MD) No.8359 of 2016

Date :25/05/2016