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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Fourth day of April Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.5762 of 2016

MAHALINGAM

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT,
(CR NO. 49/2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SUBASH BABU 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, who was arrested and remanded to judicial custody on 10.02.2016 for the offences punishable under Section 25(1) (a) of Indian Arms Act, 1959 r/w. Sections 286 and 324 of I.P.C., in Crime No.49 of 2016, on the file of the respondent police, seek bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the State.

3. On reading of the F.I.R., it is seen that when the petitioner along with the second accused had taken a firearm for hunting, it had fallen down, on account of which it fired accidentally injuring the de-facto complainant's brother.

4. It is seen that this petitioner was arrested on 10.02.2016 and that the co-accused has been granted bail in Crl.O.P.(MD).No.5281 of 2016 dated 28.03.2016.

5. Under such circumstances, 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:

(I) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithalai, Karur;

(ii) the petitioner shall report before the respondent police daily at 06.30 p.m. until further orders;

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

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

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

(v) 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]**;

(vi) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioner is complying with the order or not.

sd/-

04/04/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI, KARUR.
 - 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
 - 4 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S M.SUBASH BABU Advocate SR.No.18831

ORDER

IN

CRL OP(MD) No.5762 of 2016

Date :04/04/2016

PA/JGB-DP/AR I/05.04.2016/2P/7C