



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

Monday, the Twenty Seventh day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.2047 of 2017

1 MATHIBALA
2 NAGASAMY

... PETITIONERS/ ACCUSED NOS.1 AND 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE, PALLATHUR POLICE
STATION, SIVAGANGAI DISTRICT.
(CRIME NO.9 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.B.CHANDRA MOHAN Advocate

For Respondent :MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / A1 and A2, who were arrested on 27.01.2017 for the offences punishable under Sections 25(1A) of Arms Act, 1959 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 27.01.2017 the Sub Inspector of Police attached with the respondent Police while conducting vehicle checkup, the petitioners were found in possession of **விச்சகுவாள்** in their two wheeler.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl. Side) submitted that totally there are 2 accused, who are the petitioners herein and investigation is pending and the petitioners are having previous cases.

5.Considering the facts and circumstances of the case and considering the nature of allegations levelled against these petitioners and also the period of incarceration in jail, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail subject to the following conditions:



(i) the petitioners shall 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 Judicial Magistrate, Aranthangi;

(ii) the petitioners are directed to appear before the Judicial Magistrate, Aranthangi daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-
27/02/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.B.CHANDRA MOHAN Advocate SR.No.10986

ORDER
IN
CRL OP (MD) No.2047 of 2017
Date : 27/02/2017

MS/PM/SAR1/28.2.2017/2P.7C