



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.1915 of 2020

1. Selvakumar
2. Murugan
3. Ramalingam

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District.
Crime No.07 of 2020

... Respondent/Complainant

For Petitioner : M/s.M.Subash Babu,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 07/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners are in custody since 26.01.2020 for the offences under Sections 25(1-B), (a), 25(1-B)(b) of Indian Arms Act and Section 120(b) of IPC in Crime No.07 of 2020 on the file of the respondent police. They seek bail.

3. The case arose in the context of the recently concluded local body elections.

4. The learned Government Advocate pointed out that the petitioners' side has succeeded but the same was proposed to be



challenged by the losing group. Hence, according to the prosecution, the petitioners were making preparation for doing away his opponent. A country gun was also seized from the petitioners.

5.The learned counsel for the petitioners would point out that the petitioners were kept in illegal custody and that is why they also filed a Habeas Corpus petition before this Court. There upon, the case on hand came to be registered.

6.The petitioners are not having any previous case. Therefore, I am inclined to grant relief. The petitioners to appear before the respondent daily at 10.30 a.m., for a period of six weeks. The learned counsel for the petitioners gives an undertaking on instructions that he will not apply for modification or relaxation of this condition.

7. In this view of the matter, I am inclined to enlarge the petitioners on bail with certain conditions. 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) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kamuthi, Ramanathapuram District.

(ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m., for a period of six weeks and thereafter as and when required for the interrogation.

(iii) on breach of any of the aforesaid conditions, the learned 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 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/-
05/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, KAMUTHI,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, SUB JAIL,
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
KOVILANKULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1 CC to M/s.SUBASH BABU, Advocate (SR-2321[I] dated 05/02/2020)

ORDER

IN

CRL OP(MD) No.1915 of 2020

Date :05/02/2020

MS/VR/SAR-1/05.02.2020/3P.7C