



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7079 of 2020

1. Kali

2. Sheik Mydeen

... Petitioners/Accused No.1 & 2

Vs

The State rep.by

The Inspector of Police,

Achanpudur Police Station, Achanpudur,

Tirunelveli District.

Cr.No. 144 of 2020.

... Respondent/Complainant

For Petitioners : M/s N.Pragalathan,
Advocate.

For Respondent : Mr.S.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No. 144 of 2020 on the file of the respondent police.

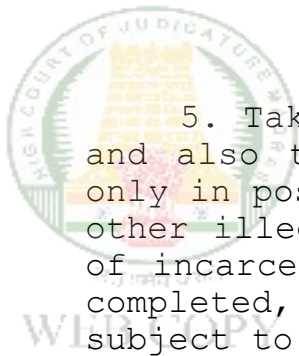
ORDER : The Court made the following order :-

The petitioners herein were arrested on 18.06.2020 for the alleged offence under Sections 353, 506(ii) of IPC and Section 25 (1)(a) of the Arms Act.

2. The petitioners herein are arrayed as A1 and A2. The case of the prosecution is that the petitioners were found in illegal possession of two .22 (air rifle) gun.

3. The learned counsel for the petitioners would submit that the petitioners were only found in air gun and they have not used the same for any illegal purpose. He would also submit that the petitioners are in jail for nearly 32 days and hence they may be granted bail.

4. The learned Additional Public Prosecutor would submit that petitioners were found in illegal possession of a.22 (air rifle) gun. He would also submit that investigation is almost completed.



5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioners were found only in possession of air gun and they have not used the gun for any other illegal purpose and also taking into consideration the period of incarceration and also to the fact that investigation is almost completed, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Shenakottai, Tenkasi District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall report before the respondent police as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v) 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].

vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/07/2020

/ TRUE COPY /

/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1 THE JUDICIAL MAGISTRATE,
SHENAKOTTAI, THENKASI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THENKASI DISTRICT.

3 THE INSPECTOR OF POLICE,
ACHANPUDUR POLICE STATION, ACHANPUDUR,
TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, SANKARANKOVIL, THIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7079 of 2020

Date :20/07/2020

AAV

SDS/PN/SAR-2/20.07.2020/3P/6C