



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

Date : 10/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP (MD) . No.7199 of 2020

Sekar

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Illupur Police Station, Illupur Taluk,
Pudukkottai District.
Cr.No. 128 of 2020.

... Respondent/Complainant

For Petitioner : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.128 of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under Section 25(1A)
of Arms Act 1959, in Crime No. 128 of 2020, on the file of the
respondent police, seeks anticipatory bail.

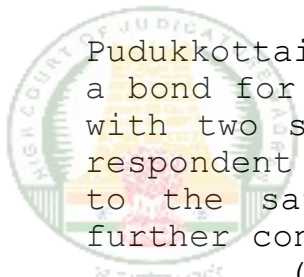
2.The case of the prosecution is that the petitioner was found in
illegal possession of country made gun without any valid license.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has not committed any offence as
alleged by the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the
respondent police would submit that the said weapon was seized.

5.Taking into consideration the facts and circumstances of the
case and also the fact that the said weapon was seized, I am
inclined to grant anticipatory bail to the petitioner with certain
conditions.

6.Accordingly, the petitioner is ordered to be released on bail
in the event of arrest or his appearance, within a period of four
weeks from the date of receipt of a copy of this order, before the
learned District Munsif cum Judicial Magistrate, Illupur,



Pudukkottai District on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10.07.2020

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

SJI

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 concerned.

TO

1. The District Munsif cum Judicial Magistrate,
Illupur, Pudukkottai District

2. Do-Through The Chief Judicial Magistrate,
Pudukkottai District.



3. The Inspector of Police,
Illupur Police Station, Illupur Taluk,
Pudukkottai District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER
IN
CRL OP(MD) No.7199 of 2020
Date : 10/07/2020

VB SKN SAR 2 (14.07.2020) 3P 5C