



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

Date : 16/07/2020

PRESENT

WEB COPY

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7434 of 2020

Sivaganapathi

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
(Crime No. 1059 of 2020).

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

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

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

PRAYER :-

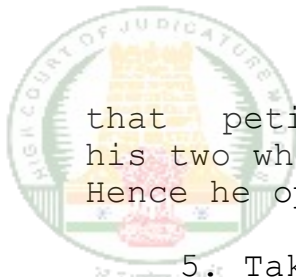
For Bail in Crime No. 1059 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to
judicial custody on 04.07.2020 for the alleged offence under
Sections 25(1-A) of Arms Act, 1959

2. The case of the prosecution is that on the date of
occurrence the petitioner was found in illegal possession of long
sword in his two wheeler. Hence the complaint.

3. The learned counsel for the petitioner would submit that a
false case has been foisted against the petitioner. He would also
submit that earlier the petitioner was attacked by one Sankaralingam
and the petitioner has also given complaint against the said
Sankaralingam and a case has been registered in Crime No.30 of 2020
and the same is pending. Apprehending that the said Sankaralingam
is likely to attack the petitioner herein, for his self protection
the petitioner is having a small sickle in his two wheeler. Hence he
may be granted bail.



that petitioner was found in illegal possession of long sword in his two wheeler and using the same he threatened the general public. Hence he opposed to grant bail to the petitioner.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner was found in possession of one small sickle for his self protection and also the taking into consideration the period of incarceration and also the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Aranthangi, Pudukottai 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 petitioner shall report before the respondent police as and when required for interrogation.

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

iv) the petitioner shall not abscond during trial.

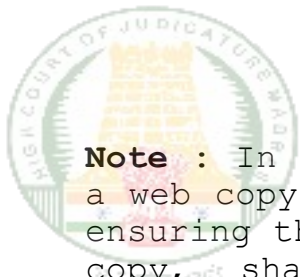
v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
16/07/2020

/ 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 concerned.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE,
ARANTHANGI,
PUDUKOTTAI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTTAI DISTRICT.
3. THE OFFICER IN CHARGE,
DISTRICT JAIL,
PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7434 of 2020
Date :16/07/2020

AAV
SRS/ JC/ SAR-II/ 16.07.2020/ 3P/6C