



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

Date : 01/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13699 of 2020

Sonai

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
Crime No.909 of 2020

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.909 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections 3 r/w.25(1)(B)(a) of Arms Act the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner and other were found in possession of country made bond for the purpose of hunting of animals.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. He would submit that the petitioner is in jail for more than 50 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that petitioner and other were found in possession of country made bond for the purpose of hunting of animals. He would also submit that six previous cases of similar nature are pending against the petitioner.



5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni 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 stay at Villupuram and report before the Villupuram Town Police Station daily at 10.30 a.m and 5.30 pm., for a period of six weeks and thereafter before the respondent police daily at 10.30 am., until further orders.

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/-

01/12/2020

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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.



TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
4. THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

ORDER

IN

CRL OP(MD) No.13699 of 2020

Date : 01/12/2020

MS/PN/SAR-2/01.12.2020/3P.7C