



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

Date : 23/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5851 of 2021

Namburajan

... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District
Crime No.49/2021.

... Respondent/Complainant

For Petitioner : Mr.Balamurugapandi.D.,
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. 49/2021 on the file of the
respondent Police

ORDER : The Court made the following order :-

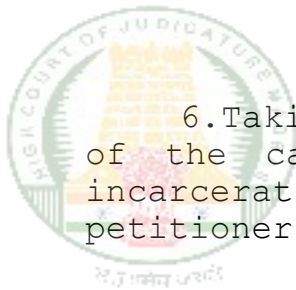
The petitioner, who was arrested on 05.03.2021 for the offences punishable under Section 25(1a) of the Arms Act in Crime No.49 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in possession of sharp and long knife and he threatened the public. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is in custody from 05.03.2021.

4.The learned Government Advocate(Crl.Side) appearing for the respondent strongly opposed this petition on the ground that the petitioner is having two previous cases including one murder case.

5.It is seen from FIR that the complaint was given by the Sub Inspector of Police, Mandapam Police Station and the petitioner was arrested as preventing measure. It is also seen that there is no
<https://hcservices.eprints.gov.in/hcservices/> the public against the petitioner.



6. Taking into consideration 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.

7. 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 sureties each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Rameswaram, Ramanathapuram District and on further condition that:

[a] 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 daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/04/2021

/ TRUE COPY /

/ /2021

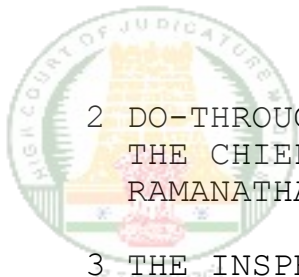
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
RAMESWARAM, RAMANATHAPURAM DISTRICT.

<https://hcservices.mca.gov.in/hcservices/>



2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

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

+1. CC to M/S.BALAMURUGAPANDI.D. Advocate SR.No.3353

ORDER
IN
CRL OP(MD) No.5851 of 2021
Date :23/04/2021

GNS
JM/VR/SAR III/23.04.2021/3P/7C