



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10738 of 2021

Kamatchi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.532 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.RAMESH KUMAR,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 532 of 2021 on the file of the respondent police

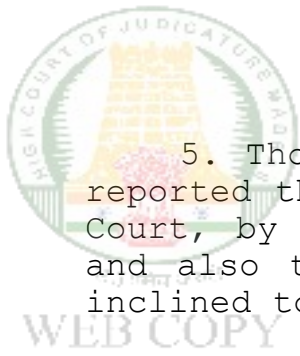
ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 13.07.2021, for the offence punishable under Section 25(1)(a) of Arms Act, in Crime No.532 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that during the vehicle patrol, the petitioner was found in possession of a deadly weapon.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case.

4. The learned Government Advocate(Crl.Side) submits that the petitioner is having three previous cases. However, he fairly concedes that no one has been injured in this case.



5. Though the petitioner is having three previous cases, it is reported that no one has been injured in this case. Therefore, this Court, by taking into consideration of the period of incarceration and also the fact that no one has been injured in this case, is inclined to grant bail to the petitioner.

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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram and on further conditions 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 twice, at 10.30 a.m. and 5.30 p.m. 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/-
09/08/2021

/ 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 JUDICIAL MAGISTRATE NO. II
RAMANATHAPURAM
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM DISTRICT.
4. THE INSPECTOR OF POLICE
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER

IN

CRL OP(MD) No.10738 of 2021

Date : 09/08/2021

SA/VR/SAR.4/09.08.2021/3P/6C