



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15962 of 2021

Gopi

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Somarasampet Police Station,
Trichy District.
(Crime No.728 of 2021)

...Respondent/Complainant

For Petitioner : Mr.S.Manoj Kumar
Advocate

For Respondent : E.Antony Sahaya Prabahar
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.728 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 25.09.2021 for the offence punishable under Sections 25 (1)(a) of the Arms Act, 1959 in Crime No.728 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that when the respondent police was on patrol duty at about 11.45 a.m., the petitioner and other accused persons were having knife saying that they wanted to kill one Parthasarathy, Arun and Kokesh and when they were searching the above said persons with knife, the respondent police arrested the accused persons and seized the knife. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that weapon was seized from the second accused only and the second accused has been released on bail. The petitioner is in judicial custody for the past 17 days and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has three previous cases and the investigation is pending. However, he would also concede that the co-accused has been released on bail.

5.Considering the facts and circumstances of the case, the fact that weapon was seized only from the second accused, even though the petitioner has three previous cases, the offences in the three cases are petty in nature and also the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Trichy 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 cards or Bank pass Books to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 am., for a period of thirty days and thereafter, as and when required for interrogation;

[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 petitioners 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 229A IPC.

sd/-
12/10/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.V, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY.
4. THE INSPECTOR OF POLICE,
SOMARASAMPET POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15962 of 2021

Date :12/10/2021

SM/GBG

MS/VR/SAR-2/12.10.2021/3P.6C