



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09.11.2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.17204 of 2021

Ramu

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram District.
In Crime No.109 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Vishnuram,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.109 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 23.09.2021 for the offence punishable under Section 25(1-A) of Arms Act, 1959 in Crime No.109 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.09.2021, when the respondent Police was on patrolling duty, they found that the petitioner was in illegal possession of sickle. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the earlier petition filed by the petitioner in Crl.OP(MD)No.15934 of 2021 for bail was dismissed on 12.10.2021, on the ground that the petitioner has two previous cases. However, he would submit that one of the two cases ended in acquittal and in another case, charge sheet was filed.

4. Heard the learned Additional Public Prosecutor appearing for the respondent Police.



5. Considering the period of incarceration and the fact that one of the previous cases ended in acquittal, this Court 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, Kamuthi, 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days.

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

[d] the petitioner shall not tamper with the 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/-

09/11/2021

/ 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,
KAMUTHI, RAMANATHAPURAM DISTRICT.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP(MD) No.17204 of 2021

Date :09/11/2021

mbi

MK/VR/SAR.IV/09.11.2021/3P/6C