



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.18258 of 2021

Karthik @ oolaimooku Karthi@ kutti Sabha ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
M.Reddiapatti Police Station,
Virudhunagar District.
(In Crime No.85/2021)

... Respondent/Complainant

For Petitioner : Mr.J.Vijayaraja,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.85 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 24.09.2021 for the offences punishable under Sections 25(1A) of Arms Act, in Crime No.85 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the date of occurrence the petitioner was found in illegal possession of long sword, causing fear among the general public. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the petitioner is in judicial custody from 24.09.2021. He would further submit that for statistical purpose a false case has been foisted against the petitioner, hence he seeks bail.

4.The learned Additional Public Prosecutor for the respondent police would submit that the petitioner is having eight previous cases against him.



5. The learned counsel for the petitioner would submit that the punishment for the offence under Section 25(1A) of Arms Act is imprisonment for a term which shall not be less than five years, but it may extend to ten years

6. Considering the facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 24.09.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, 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, Aruppukottai

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 report before the respondent police daily at 10.30 a.m., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/11/2021

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/ /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,
ARUPPUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE
M.REDDIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.J.VIJAYARAJA, Advocate SR.No.8424

ORDER

IN

CRL OP(MD) No.18258 of 2021

Date :23/11/2021

AAV

SS/JC/SAR.II/23.11.2021/3P/7C