



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/10/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18544 of 2022

Prakash

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Cr.No.303/2022.

... Respondent/Complainant

For Petitioner : Mr.Balaji A, Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.303/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 09.10.2022 for the offence punishable under sections 336 IPC, 25(1A) Arms Act in Crime No. 303 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.10.2022 at 09.00am, the accused threatened the public by endangering their life by using a deadly weapon viz., sword. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in custody from 09.10.2022. Hence, seeks bail.

4. On the side of prosecution, it is stated that the petitioner is having four previous cases. The petitioner threatened the public by endangering their life and hence, prayed to dismiss the petition.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the



petitioner, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate, Karaikudi.

(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 appear before the concerned Court daily at 10:30am, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/10/2022

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18/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to M/S.BALAJI A Advocate SR.No.11553

ORDER IN

CRL OP(MD) No.18544 of 2022

Date : 18/10/2022

PNM

SA/SBN/SAR. /18.10.2022/2P/7C

<https://www.mhc.tn.gov.in/judis>