



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.19766 of 2022

Esakkipandian

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.571/2022).

... Respondent/Complainant

For Petitioner : M/s.Veerapandi S P,
Advocate.

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

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

PRAYER :-To release the Petitioner on bail in connection with Crime No.571/2022 pending on the file of the respondent police.

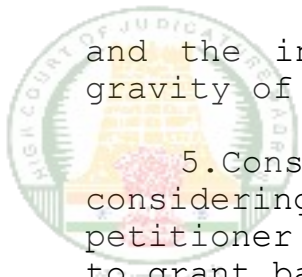
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 30.10.2022 for the offences punishable under Section 25 (1A) of Arms Act, 1959, in Crime No.571 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 30.10.2022, when the respondent police conducted a vehicle check up, they found that the petitioner and other accused possessed big sword and aruval and prepared to commit criminal conspiracy together. 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 further submit that the petitioner is in judicial custody from 30.10.2022 and hence he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner and other accused were found in possession of big sword and aruval and the petitioner is not having any previous case



and the investigation is still pending. However, considering the gravity of the offence, he strongly opposed to grant bail.



5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner on certain conditions.

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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 learned Judicial Magistrate, Tenkasi, Tenkasi District.

(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/concerned 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/concerned Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

09/11/2022

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09/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE, TENKASI, TENKASI DISTRICT.

2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE
TENKASI POLICE STATION, TENKASI DISTRICT.

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

+1 CC to M/s.P.VEE RAPANDI, Advocate (SR-12691[I] dated 09/11/2022)

ORDER IN

CRL OP(MD) No.19766 of 2022

Date : 09/11/2022

SJI

MK(09.11.2022) 2P 7C

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