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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22032 of 2022

Hariharan @ Sandiyar Hari

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
Crime No.1326 of 2022.

... Respondent/Complainant

For Petitioner : Karunakaran K.M., Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

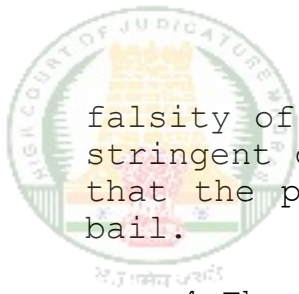
For Bail in Crime No.1326 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 10.11.2022 for the offence punishable under Sections 25(1-A) of Arms Act in Crime No.1326 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of aruval and was found threatening the public. Hence the case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that the petitioner has got previous case against him and when the respondent police summoned him for enquiry he did not appear before the respondent hence this false case has been registered as though he is threatening the public with aruval. He would further submit that the reading of the First Information Report clearly expose the



falsity of the case and now the petitioner is ready to abide by stringent conditions imposed by this Court. He would further submit that the petitioner is in jail from 10.11.2022 hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that petitioner was found in illegal possession of aruval and was found threatening the public. He would further submit that the petitioner is a history sheeted rowdy element with H.S.No.600 of 2021 and he is having three previous cases, hence he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Pattukottai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., and 5.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



(h) if the accused thereafter abscond, a fresh FIF registered under Section 229A IPC.

sd/-
14/12/2022

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14/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE OFFICER INCHARGE, SUB JAIL, THANJAVUR.
 - 4 THE INSPECTOR OF POLICE, PATTUKKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.KARUNAKARAN K.M., Advocate (SR-14811[I] dated
14/12/2022)

ORDER
IN
CRL OP(MD) No.22032 of 2022
Date :14/12/2022

AAV
RS/SSS/SAR.(14.12.2022) 3P-7C