



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/12/2022
PRESENT

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

CRL OP(MD) . No.22166 of 2022

1. Sakthivel

2. Arockiaraj @ Sintra

... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District.
Cr.No.1504/2022.

... Respondent/Complainant

For Petitioners : M/s. Navaneetharaja.K, Advocate

For Respondent : Mr.T,Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No. 1504/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who were arrested and remanded to judicial custody on 01.12.2022 for the offence punishable under Section 25(1-A) of Arms Act, in Crime No. 1504 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 01.012.2022, the accused persons were found in possession of prohibited dangerous deadly weapons, in order to cause threat to the public. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and have not committed any offence as alleged by the prosecution. The respondent police filed a false case against the petitioners, on suspicion that they would commit retaliation murder. Only as a preventive measure, this case has been registered. The petitioners are in no way connected with the offence and they are in custody from 01.12.2022. Hence, prays to release them on bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are notorious elements and several cases are pending against them. Earlier, one Alex, who was the friend of the petitioners was murdered by one Vivek and only to assassinate the persons, who murdered the said Alex, they were found in possession of prohibited dangerous deadly weapons. Hence, he strongly objected to grant bail to the petitioners.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

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

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Thanjavur**, 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 petitioners shall stay at Vendasandur and appear before the Vendasandur Police Station daily at 10.30 a.m., and 05.30 p.m., until further orders;

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

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

(f) the petitioners 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 petitioners 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 FIR can be registered under Section 229A IPC.

sd/-
15/12/2022

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15/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, THANJAVUR.
- 4 THE INSPECTOR OF POLICE,
THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
VEDASANDUR.

+1. CC to M/S. NAVANEETHARAJA.K Advocate SR.No.14879

**ORDER
IN**

CRL OP(MD) No.22166 of 2022
Date :15/12/2022

PNM
SA/SSS/SAR. /15.12.2022/3P/8C