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CrI.O.P.No.13559 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2023

CORAM:

**THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA**

CrI.O.P.No.13559 of 2023

Sathikumar @ Sathish

.. Petitioner

/versus/

The State rep.by  
The Station House Officer,  
Villianur Police Station,  
Villianur, Puducherry.  
(Crime No. 131 of 2023)

.. Respondent

**Prayer:** Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.131 of 2023 on the file of the respondent police.

For petitioner : Mr.P.Suresh Babu

For Respondent : Mr.K.S.Mohan Dass  
Public Prosecutor (Puducherry)  
Assisted by M/s.Dhanalatchmy



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CrI.O.P.No.13559 of 2023

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 19.05.2023 for the offences punishable under Section 25(1)(a) of Arms Act, 1959 and Section 506(ii) of IPC, in Crime No.131 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.05.2023, at about 18.00 hours, the petitioner was found to be in possession of one long knife. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that admittedly there is one previous case against the petitioner under 302 IPC and only to keep the petitioner under fetters, the respondent Police has registered a case through the defacto complainant. He also submitted that the petitioner is in custody from 19.05.2023, hence, he prayed for grant of bail to the petitioner.



Crl.O.P.No.13559 of 2023

WEB COPY

4. The learned Public Prosecutor (Puducherry) appearing for the respondent submitted that on 19.05.2023, at about 18.00 hours, the petitioner was found to be moving around in a suspicious manner and on personal search of him, he was found in possession of a long knife. He further submitted that one previous case is pending against the petitioner registered for the offence under 302 IPC. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Public Prosecutor (Puducherry) for the respondent police and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten**



Crl.O.P.No.13559 of 2023

WEB COPY

**thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Karaikal**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] **the petitioner shall report before the respondent Police everyday at 6.30 p.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]***;



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Crl.O.P.No.13559 of 2023

[f] If the accused thereafter abscond, a fresh  
FIR can be registered under Section 229A IPC.

**21.06.2023**

vkr

To

- 1.The Judicial Magistrate No.III,  
Karaikal.
- 2.The Station House Officer,  
Villianur Police Station,  
Villianur, Puducherry.
- 3.The Central Prison,  
Kalapet, Puducherry.
- 4.The Public Prosecutor,  
High Court, Madras.



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Crl.O.P.No.13559 of 2023

**A.D.JAGADISH CHANDIRA,J.**

Vkr

Crl.O.P.No.13559 of 2023

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