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Crl.OP.No.14721 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.OP.No.14721 of 2023

Prabakaran

..Petitioner

Vs.

State Rep by its,
Station House Officer,
Neravy Police Station,
Karaikal.
Crime No.45 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime No.45
of 2023 pending on the file of respondent police.

For Petitioner : M/s.M.Kruthika

For Respondent : Mr. Ramachandra Murthy
Assisted by Mr.Alex
(Additional Public Prosecutor)
Puducherry



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.06.2023 for the offence punishable under Section 25(1)(a) of Arms Act, 1959 in Crime No.45 of 2023 on the file of the respondent police seeks bail.

2. The learned counsel for the petitioner submitted that, petitioner is an innocent and he has been falsely implicated in a case registered for the offence under Section 25(1)(a) of Arms Act, 1959. Petitioner is in Judicial Custody from 12.06.2023. Thus, he seeks for bail.

3. In response, the learned Additional Public Prosecutor (Puducherry) opposes the petition on the ground that, petitioner has one similar previous case pending in Crime No.22 of 2021 on the file of the TR Pattinam Police Station. He further submitted that, petitioner is a aid of Ezhilarasi, who is a notorious rowdy element, having multiple cases pending against her.



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4. Considered the rival submissions and perused the records

This Court posted a question to the learned Public Prosecutor as to whether petitioner had involved in any other offence, except having possession of deadly weapons, the learned Public Prosecutor informed this Court that, except this case and the previous case, petitioner has no previous case pending against him.

5. Considering the facts and circumstances of the case and the petitioner is in Judicial Custody from 12.06.2023 and that, material part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **Judicial Magistrate -I, Karaikal** and on further conditions that :-



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[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 daily at 10.30.a.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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[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

07.07.2023

Sma

To

1. Judicial Magistrate No.I,
Karaikal.
2. Station House Officer,
Neravy Police Station,
Karaikal.
3. Sub Jail,
Karaikkal.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

Sma

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