



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/01/2023
PRESENT

WEB COPY

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

CRL OP(MD). No.192 of 2023

James

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.758 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karunakaran K.M.,
Advocate.
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :- For Bail in 758 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 14.12.2022 for the offence punishable under Sections 25(1-A) of Arms Act in Crime No.758 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.12.2022 while the defacto complainant was in usual rounds he had seen the accused armed with deadly weapons standing in the road threatening the public and on seeing the police he ran away from the scene of occurrence. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that admittedly the petitioner has got 11 previous cases and in all the cases he was enlarged on bail and the respondent police in order to curtail the further activities of the petitioner had foisted this false case against this petitioner as though the petitioner was present along with the weapon, hence he seeks bail.



4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a habitual offender and on 14.12.2022 while the defacto complainant was in usual rounds he had seen the accused armed with deadly weapons standing in the road threatening the public and on seeing the police he apprehended from the place. He would further submit that the petitioner has got 11 previous cases, out of which one case is under section 302 of IPC.

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.10,000/- (Rupees Ten 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 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 pm.,., until further orders, excepting the days when his presence is required before the trial Courts.

[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].



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

sd/-

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23/01/2023

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

AAV

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,
PATTUKOTTAI TALUK 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.No.960

ORDER

IN

CRL OP(MD) No.192 of 2023

Date :23/01/2023

SA/VR/SAR. /23.01.2023/3P/7C