



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/01/2023
PRESENT

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

CRL OP(MD) . No.1017 of 2023

Murali

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District.
Crime No.1503 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Murugan C,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1503 of 2022 on the file of the Respondent Police.

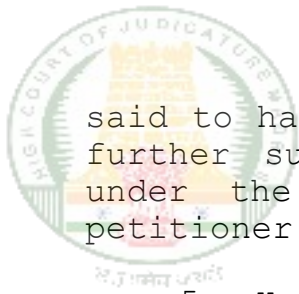
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 01.12.2022 for the offences punishable under Section 25(1-A) of Arms Act in Crime No.1503 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused said to have threatened the public showing aruval. Hence the case.

3. The learned counsel appearing for the petitioner would submit the petitioner is innocent and a false case has been foisted against him. He would further submit that co- accused in this case was granted bail by the lower court. He would further submit that since the petitioner has got three previous cases under NDPS Act, inorder to curtail the future activities of the petitioner, a false case has been foisted against him, hence he seeks bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner along with other accused



said to have threatened the general public showing aruval. Id further submit that the petitioner has got three previous cases under the NDPS Act, hence he objected to grant bail to the petitioner.

5. Heard both sides and 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 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 petitioner shall stay at Madurai and report before the Tallukulam Police Station daily at 10.30 am., 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 FIR can be registered under Section 229A IPC.

sd/-

27/01/2023

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27/01/2023

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



- 1 THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 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,
THALLAKULAM POLICE STATION, MADURAI.

+1. CC to M/S.SENTHIL MURUGAN C Advocate SR.No.1276

ORDER

IN

CRL OP(MD) No.1017 of 2023

Date :27/01/2023

SA/VR/SAR. /27.01.2023/3P/8C