



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

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

CRL.O.P (MD) No.1900 of 2023

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Vignesh

...Petitioner/2nd Accused

-vs-

The State Represented by
The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.

(Cr.No.117 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No.117 of 2022 on the file of the respondent Police.

For Petitioner : Mr.B.Ashok Kumar

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 25(1)(a) of Arms Act in Crime No.117 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that on 21.04.2022, while he was going nearby Government Hospital, Kulumani, he had seen the first accused threatening the public with the long size patta knife and on seeing him, the public have scattered away and ran away. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person. He would also submit that it is true that the petitioner has got 7 previous cases registered prior to 2017 and the respondent police has compelled the petitioner to come to the police station and since the petitioner did not go, a false complaint has been given. He prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (crl.side) would submit that the petitioner is having 7 previous cases to his credit and in this case, it is alleged that the accused threatened the public by showing a long patta knife and hence, he prays for dismissal of this application.

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5.Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Trichy, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 stay at Tirunelveli and report before the Tirunelveli Town Police Station everyday at 6.30 p.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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]**.

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

sd/-

01/02/2023

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

CM



TO

1. THE Judicial Magistrate No.III, Trichy.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
Tirunelveli Town Police Station,
TIRUNELVELI.

+1 CC to M/s.B.ASHOK KUMAR, Advocate (SR-1592[I] dated 01/02/2023)

ORDER

IN

CRL OP(MD) No.1900 of 2023

Date :01/02/2023

RK/VR/SAR-3 (08/02/2023) 3P/7C