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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2023

PRESENT

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

CRL OP(MD) . No.3853 of 2023

Jegadeesan,

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Kannivadi Police Station,
Kannivadi, Dindigul District.
(Crime No.34/2023).

... Respondent/Complainant

For Petitioner : M/s.Sankara Pandian J, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Government Advocate (Crl.Side)

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

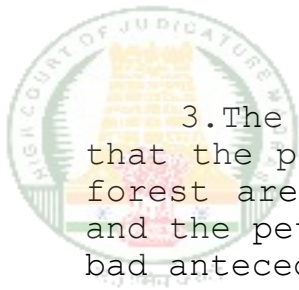
PRAYER :-

For Bail in Crime No.34/2023 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 09.02.2023 for the offences punishable under Section 25 (1-A) of Arms Act in Crime NO.34 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.02.2023 at about 07.00 a.m., based on the secret information, the respondent police made a search in the farm of A1 and they found a country made single barrel gun in his farm shed without any proper license. Immediately, the respondent police seized the same and registered the present case against the petitioner.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he is having a farm near the forest area and someone has left the country made gun in his farm and the petitioner is not aware of the same and he is not having any bad antecedents. Hence, he would seek for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was found in illegal possession of country made single barrel gun in his farm shed without any proper license and hence, he would object for grant of bail. However, he would also submit that the petitioner has got no previous case pending against him.

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, 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 District Munsif cum Judicial Magistrate, Aathoor, Dindigul District, 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. for a period of two weeks and thereafter, as and when required for interrogation.

[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 FII registered under Section 229A IPC.

sd/-
28/02/2023

/ TRUE COPY /

28/02/2023

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

SJI

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AATHOOR,
DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
KANNIVADI,
DINDIGUL DISTRICT.
- 4 THE OFFICER INCHARGE
SUB JAIL, DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.SANKARA PANDIAN, Advocate (SR-3037[I] dated
28/02/2023)

ORDER
IN
CRL OP(MD) No.3853 of 2023
Date :28/02/2023

PKP/SBN/SAR-/28.02.2023/3P/7C