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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2023

PRESENT

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

CRL OP(MD) . No.3896 of 2023

R.Nagaraj

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Kannivaddi Police Station,
Dindigul District.

(Crime No.34 of 2023). ... Respondent/Complainant

For Petitioner : E.Satish Rajkumar,

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

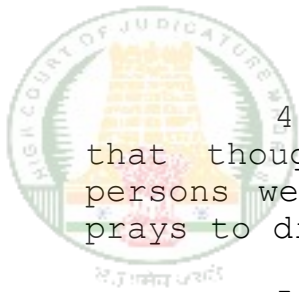
For Anticipatory Bail in Crime No.34 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

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. 34 of 2023, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant is that the accused persons were found in possession of one country made gun. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner has been falsely implicated in this case based on the confession statement recorded from the co-accused. The co-accused has already been arrested and enlarged on bail. He prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that though the petitioner has no bad antecedent, the accused persons were found in possession of one country made gun. Hence, prays to dismiss the petition.

5.Taking into consideration the facts and circumstances of the case and considering the fact that no previous case is pending against the petitioner, 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, Athoor**, on condition that the petitioner shall 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 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 report before the respondent police everyday at 10.30 a.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/-

01/03/2023

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/ 03 /2023

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

PNM



TO

1. The Judicial Magistrate, Athoor, Dindigul District.

2. Do-Through The Chief Judicial Magistrate,
Dindugal District.

3. The Inspector of Police,
Kannivaddi Police Station,
Dindigul District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.E.SATHISH RAJKUMAR, Advocate (SR-3096[I] dated
01/03/2023)

ORDER

IN

CRL OP(MD) No.3896 of 2023

Date :01/03/2023

RD/AR/SAR-IV (08/03/2023) 3P 6C