



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/03/2023
PRESENT

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

CRL OP(MD) . No.3957 of 2023

Kabi @ Kabilan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Crime No.32/2023).

... Respondent/Complainant

For Petitioner : Mr.ANANDAN.B., Advocate

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.32/2023 on the file of the Respondent Police.

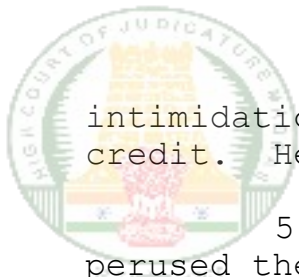
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 10.01.2023, for the offence punishable under Section 25(1-A) of Arms Act, 1959, in Crime No. 32 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.01.2023, the accused was found in illegal possession of aruval with 70 cm length, stood in the middle of the road and caused intimidation to the public.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and since he has got 14 previous cases, he has been falsely implicated in this case in order to curtail his activity. He is in noway connected with the offence. The petitioner is ready to abide any conditions as imposed by this Court. The petitioner is in judicial custody from 10.01.2023. Hence, prays to release the petitioner on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner was found in possession of aruval and causing



intimidation to the public. He is having 14 previous cases in his credit. Hence, he strongly opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

WEB COPY

6. Taking into consideration the facts and circumstances of the case and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain 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 learned 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., 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/-

02/03/2023

/ TRUE COPY /

02/03/2023

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



PNM

TO

1 THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE OFFICER INCHARGE,
SUB-JAIL, THANJAVUR.

4 THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.ANANDAN B Advocate SR.No.3240

ORDER

IN

CRL OP(MD) No.3957 of 2023

Date :02/03/2023

SA/SBN/SAR. /02.03.2023/3P/7C