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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/05/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.8697 of 2023

Karthikeyan @ Karthi,

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District
(Crime No.351 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Ramamurthy.V,
Advocate.

For Respondent : Mr.R.S. Sureshkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.351 of 2023 on the file of the respondent police

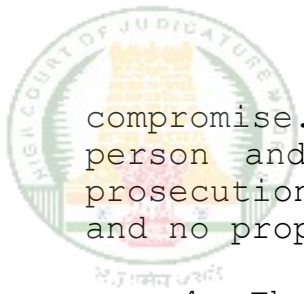
ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 25 (1-A) of Arms Act, in Crime No.351 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the order passed by the Judicial Magistrate No.II, Kumbakonam the complainant has made a search on the vehicle belonging to the petitioner bearing Regn.No.TN 58 AF3578 and seized two country bombs and one Sword. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that earlier the petitioner was granted anticipatory bail by this Court in Crl.O.P(MD).No.3334 of 2023, dated 01.03.2023 in terms of

<https://www.courtsofjudiciary.gov.in/>



compromise. He would further submit that petitioner is an it person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and no property was recovered in the presence of the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that at the time of search two country bombs and one Sword were recovered from a car belongs to the petitioner and the investigation of the case is pending.

5. Taking into consideration the facts and circumstances of the case and also the fact that the properties were recovered from a car in the absence of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate- II, Kumbakonam, Thanjavur District, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police twice a day daily at 10.30 a.m., and 5.30 pm for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 is 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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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/05/2023

/ TRUE COPY /

/05/2023

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

TRP
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM, THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
NACHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RAMAMURTHY.V, Advocate (SR-7883[I] dated 26/05/2023)

+1 CC to M/s.M.SEENI SULTHAN, Advocate (SR-7908[I] dated 29/05/2023)

ORDER

IN

CRL OP(MD) No.8697 of 2023

Date :25/05/2023

PKP/VR/SAR-3/29.05.2023/ **3P/7C**