



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.8794 of 2023

Selvamanickam ... Petitioners/Accused(Rank Not Known)

Vs

State Rep.by
The Inspector of Police,
Thiruvidaimarudhur Police Station,
Thanjavur District.
Crime No.316 of 2023.

... Respondent/Complainant

For Petitioner : M/s.S.Saravana Kumar,
Advocate.

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

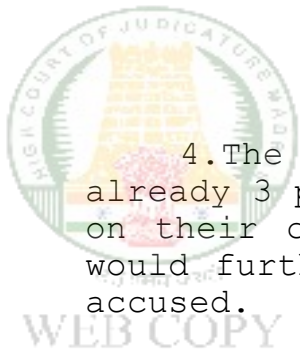
For Anticipatory Bail in Crime No.316 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 25(1B)(a) of Arms Act, 1959, in Crime No.316 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with the other accused were found in illegal possession of a Country Gun and 150 Bullets. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was served notice under Section 41 A(1) Cr.P.C. Since he was not in a position to appear before the respondent police, his counsel has appeared before the respondent police and sought time for some other day for the appearance of petitioner. But, they have reported that they will going to arrest him. Hence, this petition.



4.The learned Government Advocate (Crl.Side) would submit that already 3 persons were arrested and they are still in custody. Based on their confession, the petitioner was arrayed as an accused. He would further submit that the weapons were already seized from the accused.

5.Considering the facts and circumstances of the case and also considering the fact that the weapons were already seized from the accused, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate Court, Thiruvidaimarudhur, Tanjavur Court, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, with two sureties **(of which one shall be a blood related surety)** 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 learned 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 daily at 10.30 am., until further orders;

(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 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]**; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/05/2023

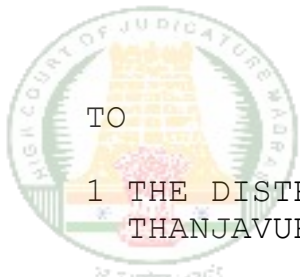
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

<https://www.mhc.tn.gov.in/judis>



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THIRUVIDAIMARUDHUR,
THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE, THIRUVIDAIMARUDHUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.S.SARAVANA KUMAR, Advocate (SR-7452[I] dated
18/05/2023)

ORDER

IN

CRL OP(MD) No.8794 of 2023

Date :17/05/2023

RS/CG/SAR-(22.05.2023) 3P 6C