



CRL OP(MD)No.18192 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.10.2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD)No.18192 of 2023

Rahul @ Rajasekar

... Petitioner/ Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.
(Crime No.629 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.629 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner, who was arrested and remanded to judicial custody on on 27.09.2023 for the alleged offence punishable under Sections 294(b), 506(ii)IPC r/w Section 25(1-A) & 25(1-C) of the Arms Act in Crime No.629 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the accused persons were in illegal possession of Aruval and they were harrowing the general public. Hence the case.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is is custody from 27.09.2023 hence he seek bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that petitioner and other accused were found in illegal possession of aruval and they were threatened the general public. Hence, he objected to grant bail to the petitioner. However he fairly concedes that no previous case is pending against the petitioner.

5.Heard both sides and perused the materials available on record.

6.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration of the principle stated by the

Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)

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



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1 SCC 40, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] 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, Thiruvidadaimaruthur and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on summons.

(iv) the petitioner shall not tamper with evidence or witness;

(v) the petitioner shall not abscond during trial.

vi) 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].



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vii) If the accused thereafter absconds, a fresh FIR can be registered under Section

229A IPC.

sd/-
11/10/2023

/ TRUE COPY /

11/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
THIRUNEELAKUDI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE
DISTRICT JAIL, PUDUKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-14997[I] dated 11/10/2023)

ORDER
IN

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Date :11/10/2023

PKP/11.10.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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