



CRL OP(MD). No.18323 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18323 of 2023

Katta Arun @ Arun Kumar,

... Petitioner/3rd Accused

Vs

The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Crime No.554/2023.

... Respondent/Complainant

For Petitioner : M/s.VENKATESH.D,
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.554/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A3, who was arrested and remanded to judicial custody on 18.09.2023 for the alleged offence punishable under Section 25(1A) of Arms Act in Crime No.554 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on receiving secret information, the respondent police conducted a vehicle check up and at that time, the petitioner herein



CRL OP(MD). No.18323 of 2023

has illegally found in possession of deadly weapons and the same was seized. Hence, the case.

WEB COPY

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in jail from 18.09.2023 and hence, he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that on receiving secret information, the respondent police conducted a vehicle check up and at that time, the petitioner herein said to have illegally found in possession of deadly weapons and the same was seized and the petitioner is having three previous cases. He would further submit that the investigation of the case is pending.

5. Considering the nature of allegations made against the petitioner 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)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) subject to



CRL OP(MD). No.18323 of 2023

the satisfaction of the learned Judicial Magistrate, Pattukkottai District and on further conditions that:

WEB COPY

(i) the petitioner shall appear before the trial Court on receipt of summons as directed by the trial Court.

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

(iii) the petitioner shall not abscond during trial.

(iv) 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].

v) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/10/2023

/ TRUE COPY /

17/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.

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



CRL OP(MD). No.18323 of 2023

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

3 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKOTTAI.

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.D.VENKATESH, Advocate (SR-15288[I] dated 17/10/2023)

ORDER IN

CRL OP(MD) No.18323 of 2023

Date :17/10/2023

SA/SAR. /17.10.2023/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.