



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03.01.2023

PRESENT

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

CRL.O.P(MD)No.23216 of 2022

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Prabakaran @ Karuppu Praba

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Thanjavur South Police Station,
Thanjavur District.
(Crime No.1504 of 2022).

... Respondent/Complainant

For Petitioner : Mr.A.Navaneetharaja, Advocate
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1504 of 2022 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 01.12.2022 for the offence punishable under Section 25(1-A) of Arms Act, in Crime No. 1504 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that on 01.12.2022, the accused persons were found in possession of prohibited dangerous deadly weapons, in order to cause threat to the public. Hence, the complaint.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. The respondent police filed a false case against the petitioner, on suspicion that he would commit retaliation murder and only as a preventive measure, this case has been registered. The petitioner is in no way connected with the offence and he is in custody from 01.12.2022. Hence, prays to release them on bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is notorious element and several cases are pending against him. Earlier, one Alex, who was



the friend of the petitioner was murdered by one Vivek and to assassinate the persons, who murdered the said Alex, the petitioner and other accused were found in possession of prohibited dangerous deadly weapons. Hence, he strongly objected to grant bail to the petitioner.

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

6. Taking into consideration of the facts and submissions made by the learned Counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following 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 Principal Sessions Judge, Thanjavur, 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 stay at Vendasandur and appear before the Vendasandur Police Station daily at 10.30 a.m., and 05.30 p.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/-

03/01/2023

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03/01/2023

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

cmr

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



To

- 1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.
- 2 THE INSPECTOR OF POLICE, THANJAVUR SOUTH POLICE STATION,
THANJAVUR DISTRICT.
- 3 THE OFFICER INCHARGE, DISTRICT JAIL, THANJAVUR.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
VEDASANDUR POLICE STATION,
VEDASANDUR,
DINDIGUL DISTRICT.

+1 CC to M/s.NAVANEETHARAJA K, Advocate (SR-50[I] dated 03/01/2023)

ORDER

IN

CRL OP(MD) No.23216 of 2022

Date :03/01/2023

RS/SSS/SAR.(03.01.2023) 3P-7C