



CRL OP(MD). No.21758 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21758 of 2023

1.Marimuthu

2.Mahesh

... Petitioners/ Accused Nos.1 & 2

Vs.

State represented by
The Inspector of Police,
Mathur Police Station,
Pudukkottai District.
(Crime No.168/2023).

... Respondent/ Complainant

For Petitioners: Mr.N.Ananda Kumar
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.168/2023 on the file of the Respondent Police.

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



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ORDER : The Court made the following order :-

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The petitioners/A1 and A2, who were arrested and remanded to judicial custody on on 21.11.2023 for the alleged offence punishable under Sections 25(1)(A), 27(1) of Arms Act in Crime No.168 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.11.2023 at about 12.00 p.m, the petitioners and other accused said to have threatened the general public by showing patta knife & Iron Rod and caused traffic obstruction. 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 in custody from 21.11.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioner said to have threatened the general public by showing patta knife and Iron Rod. However, he fairly concedes that no one sustained



injuries in the said occurrence.

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5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the fact that no one sustained injuries in the said occurrence 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, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[i] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Keeranur, 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 petitioners shall appear before the trial Court on the first working day



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of every English Calendar month at 10.30 a.m, until further orders.

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

(v) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-
06/12/2023

/ TRUE COPY /

07/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

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



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TO
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- 1.THE JUDICIAL MAGISTRATE, KEERANUR,
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
 - 3.THE SUPERINTENDENT, CENTRAL PRISON,
TRICHY
 - 4.THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-17368[I] dated 06/12/2023)

ORDER
IN
CRL OP(MD) No.21758 of 2023
Date :06/12/2023

RK/SKN (07/12/2023) 5P / 7C

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