



CRL OP(MD). No.21998 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.21998 of 2023

1. Sanjai Kumar

2. Vadivel @ Ulaganathan

... Petitioners/ Accused No.s 1&2

Vs

The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
Crime No.458 of 2023..

... Respondent/ Complainant

For Petitioner : Mr.K.Prakash,
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.458 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioners, who were arrested and remanded to judicial custody on 24.11.2023 for the alleged offence punishable under Section 25(1A) of Arms Act in Crime No.458 of 2023, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 24.11.2023, at about 01.30 p.m, the respondent police were in vehicle check up, at Thuraiyur to Athoor Road. At that time, a two wheeler bearing Reg.No.TN-45-V-7879, which was driven by the accused with the petitioner came there. Even though the respondent police made a signal to stop the vehicle, the petitioners fled away from that place. Thereafter, they chased the vehicle and caught them. On searching, they found that the petitioners were found in possession of 1 country made gun without proper license. Hence the case.

3.The learned counsel appearing for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are in custody from 24.11.2023, hence, he seeks bail.



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4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the petitioners were found in possession of one country made gun without proper license. However, he fairly conceded that no previous case is pending against the petitioners.

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

6.Considering the facts and circumstances and 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 as against the petitioners, 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, Thuraiyur, Trichy District, 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;



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

(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/-
11/12/2023

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11/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO
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1. The Judicial Magistrate,
Thuraiyur, Trichy District.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Superintendent, Central Prison,
Trichy.
4. The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRAKASH, Advocate (SR-17541[I] dated 11/12/2023)

ORDER
IN
CRL OP(MD) No.21998 of 2023
Date :11/12/2023

RK (11/12/2023) 5P / 7C

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