



CRL OP(MD). No.235 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.235 of 2024

Balakrishnan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thirgokarnam Police Station,
Pudukottai District.
(Crime No.393 of 2023).

... Respondent/Complainant

For Petitioner : M/s.D.Ramesh Kumar
Advocate.

For Respondent :MR. B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.393 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 22.12.2023

for the offence punishable under Sections 20 and 25(1)(a) of Arms Act, 1959, in Crime

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



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No.393 of 2023 on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that when the respondent Police was conducting routine patrol, they found the petitioner with deadly weapon in his hand and he made threat to the public. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 22.12.2023. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that apart from this case, two previous cases are pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of



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incarceration, this court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 No.II, Pudukottai and on further conditions that:

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

(b) the petitioner is directed to appear before the respondent police daily at 10.30 A.M., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/01/2024

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09/01/2024

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

DSS

TO

1. THE JUDICIAL MAGISTRATE NO.II,
PUDUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
3. THE OFFICER IN CHARGE,
DISTRICT PRISON,
PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
THIRGOKARNAM POLICE STATION,
PUDUKOTTAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN

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Date :09/01/2024

RK/ (09/01/2024) 5P / 6C

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