



CRL OP(MD). No.1746 of 2024

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

Date : 06/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1746 of 2024

Madhan

... Petitioner / Accused No.1

Vs

The Inspector of Police,
Pattukottai Police Station,
Thanjavur District.
(Crime No.672 of 2023.)

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.672 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was arrested and remanded to judicial custody on 03.12.2023 in Crime No.672 of 2023, for the offence punishable under



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Section 25 (1A) of Arms Act, on the file of the respondent Police, seeks bail.

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2. The case of the prosecution is that the petitioner was found in illegal possession of deadly weapon and the same was recovered by the respondent Police. 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. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. He would further submit that the petitioner is in judicial custody for more than sixty days and hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally there are eight previous cases are pending against the petitioner, out of which, two cases are under 302 IPC offence and one case is under 307 IPC offence and remaining cases are under the Arms Act, Therefore, he vehemently opposes for grant of bail to the petitioner herein.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and also considering the fact that there are change in circumstances and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to the following conditions:



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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, Pattukottai, Thanjavur District 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 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

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under Section 229-A IPC.

sd/-
06/02/2024

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06/02/2024
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Judicial Magistrate,
Pattukottai, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Pattukkottai Police Station,
Thanjavur District.

4.The Officer Incharge,
District Jail,
Thanjavur, Thanjavur District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-1478[I] dated 06/02/2024)



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ORDER

IN

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Date :06/02/2024

ED/ /SAR- (06/02/2024) 5P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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