



CRL OP(MD). No.6870 of 2024

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

Date : 08/05/2024

PRESENT

THE HON`BLE MR.JUSTICE ABDUL QUDDHOSE
CRL OP(MD). No.6870 of 2024

M.Kesavan

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Vellanur Police Station,
Pudhukottai District.
(Cr.No.91/2024.)

... Respondent/Complainant

For Petitioner :Mr.H.Jahir Hussain,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.91/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 22.04.2024, in connection with a case
in Crime No.91 of 2024, on the file of the respondent police, for the offences

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



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punishable under Sections 20 and 25(1A) of Arms Act, 1959, has filed this petition seeking bail.

2. The case of the prosecution is that on 22.04.2024, the petitioner by keeping deadly weapons in his hand has created criminal intimidation, nuisance and life threat to the general public. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent and law abiding citizen and he has not committed any offence as alleged by the prosecution. However, he is languishing in jail from 22.04.2024. He further submits that there is no specific overt act as against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent Police submits that the petitioner has threatened the general public and no one has injured. He further submits that no previous case is pending as against him.

5. Heard both sides.



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6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioner) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offences he is charged with.

8. The Court has to strike a balance between the rights of the accused (petitioner) to his liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.



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9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions by him.

- i. The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Pudhukottai.
- ii. The petitioner and 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;
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m until further orders, for interrogation.
- iv. The petitioner shall not tamper with evidence or witness either during investigation or trial;
- v. The petitioner shall not abscond either during investigation or trial;
- vi. 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



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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 ;

vii.If the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

10.Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

/ TRUE COPY /

08/05 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1.The Judicial Magistrate No.II, Pudhukottai.
2. -do-Through The Chief Judicial Magistrate, Pudhukottai.
- 3.The Superintendent, District Jail, Pudukkottai.
- 4.The Inspector of Police,
Vellanur Police Station, Pudhukottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.K.DINESH, Advocate (SR-5335[I] dated 08/05/2024)

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ORDER

IN

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Date :08/05/2024

RD(08/05/2024) 6P / 7C

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