

CRL OP (MD) No.5079 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5079 of 2025

Pitchan,
S/o.Raman, Thathampatti,
Parali Post, Natham Taluk,
Dindigul District.

... Petitioner/Sole Accused

Vs

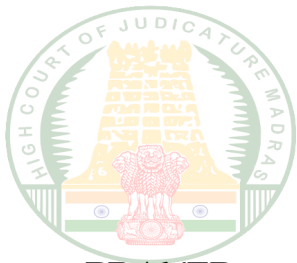
The State of Tamil Nadu,
Rep. by the Inspector of Police,
Uthappanaickanur Police Station,
Madurai District.
Crime No.24/2025

... Respondent/Complainant

For Petitioner : Mr.T.Palanisamy,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER :- For Bail in Crime No.24 of 2025 on the file of the respondent-police.

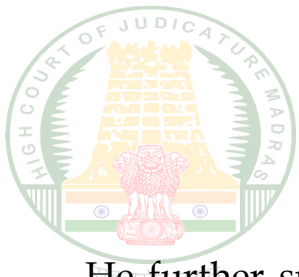
ORDER :- The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 28.02.2025 for the offences punishable under Sections 25(1B)(a) of Arms Act, 1959, in Crime No.24 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is working as a Forest Officer at Seemanuthu Beat, Usilampatti Forest Range, Madurai. On 28.02.2025, at about 01:30 p.m., while the defacto complainant, along with a police official, was on patrol duty, they noticed that the petitioner had a single-barrel country gun near a tree beside the hut where he was staying. Since the petitioner did not have a license to possess the aforementioned weapon, the defacto complainant apprehended the petitioner herein and recovered 500 grams of gunpowder, bullets, a single-barrel country gun, and matchboxes from him. Hence the complaint.

4. Mr.T.Palanisamy, the learned counsel appearing for the petitioner, submits that the petitioner is a farmer by profession. He further submits that the petitioner has never possessed the country gun. He also submits that he has been falsely implicated in this case and did not commit any offence as alleged by the prosecution.



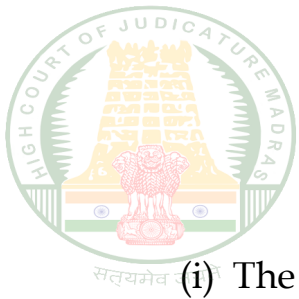
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He further submits that the petitioner has been in judicial custody since 28.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner herein.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the Forest Officer, Seemanuthu Beat, recovered the country gun, 500 grams of gunpowder, bullets, and matchboxes from the petitioner herein. He further submits that the petitioner is the sole accused in this case and has no previous cases. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested and remanded to judicial custody on 28.02.2025. The petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration and the fact that the petitioner is the first offender, and taking note of the fact that the country gun, 500 gms gun powder, bullets and matchboxes have been recovered from the petitioner herein, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:



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(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti, Madurai District;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.II, Usilampatti, Madurai District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Usilampatti, Madurai District;

(iv) The petitioner shall not make any threat to the defacto complainant and the witnesses;

(v) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m., and 05.00 p.m., until further orders;

(vi) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) The petitioner shall not directly or indirectly make any inducement, threat



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or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence; and

(ix) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.II, Usilampatti, Madurai District, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
20/03/2025

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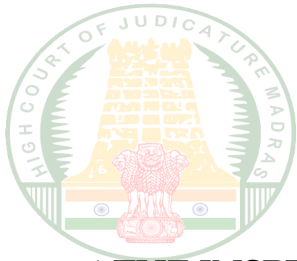
/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE OFFICER INCHARGE,
USILAMPATTI SUB JAIL, MADURAI.

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



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4 THE INSPECTOR OF POLICE,
UTHAPPANAICKANUR POLICE STATION,
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.PALANISAMY, Advocate (SR-3210[I] dated 21/03/2025)

ORDER
IN
CRL OP(MD) No.5079 of 2025
Date :20/03/2025

SA/SAR. /21.03.2025/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.