

In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. P.Vadamalai, B.Com., B.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 23rd day of January -2021.

Crl.M.P.No.475/2021

Anand, S/o.Arumugam

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Keerathurai P.S. Cr.No.1306/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.B.Chandru, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Bail application u/s. 439 of Cr.p.c.
2. The offences alleged are U/s. 25(1)(a) r/w 27(2) of Arms Act.
3. Heard both sides.

4. It is the case of the petitioner that the respondent police has registered a case against the petitioner in Cr.No.1306/2020 of Keeraithurai police station for the alleged offence under section 25(1)(a) r/w 27(2) of Arms Act. The petitioner was arrested and remanded to judicial custody on 30.12.2020 and he is in judicial custody for the past 25 days. No previous case is pending against the petitioner, the property has been recovered. The petitioner is a college student, false case has been foisted against him. Hence he prays to grant bail to the petitioner.

5. The learned public prosecutor would submit that totally 4 accused in this case, the petitioner herein is arrayed as A2. On 30.12.2020, when the respondent police were on surveillance, the petitioner along with other accused were found in possession of dangerous weapons in an auto, in order to murder any one of the person namely Jothimari, Dhanuskodi and Thirukumar. The weapons were recovered. No previous case is pending against the petitioner. Hence he objected to grant bail to the petitioner.

6. The petitioner along with other accused are said to have found in possession of dangerous weapons in an auto, consequently, the present case came to be registered. As per the learned counsel for the petitioner, the petitioner is a college student and he produced the copy of the I.D. card. The petitioner has been in judicial custody for the past 25 days. Considering the duration of the custody of the petitioner and the fact that the petitioner has no previous case, and he is a college student, this Court is inclined to grant bail to the petitioner on condition.

7. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate, No.4, Madurai subject to condition

(i) After release the petitioner shall appear and sign before the Inspector of police, respondent police station **daily twice at 10.00a.m. and 5.00 p.m.until further orders.**

(ii) The petitioner shall co-operate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending investigation.

If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate,

concerned for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560**. Accordingly this petition is allowed.

Pronounced by me in Open Court on the 23rd day of January -2021.

Sd/- P.Vadamalai

Principal Sessions Judge, Madurai

Copy to

1. The J.M.No.4. Madurai.
2. The Inspector of Police, Keerathurai P.S.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.