

TNMD010040012026



In the Court of the Principal Sessions Judge, Madurai.

Present : THIRU. M.SAISARAVANAN., M.L.,

Principal Sessions Judge, Madurai.

Thursday, this the 2nd day of July, 2026.

CrI.M.P.No.2958/2026

CNR No.TNMD010040012026

Maharajan, S/o.Murugesapandi

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Sellur P.S. in Cr.No.384/2026

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.R.Arumugam, Advocate for the petitioner and of Public Prosecutor for the State, this court passed the following:

Order

1. Bail application u/s 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both side.

3. The learned counsel for the petitioner/accused submitted that this is the 2nd petition and that the respondent police has registered a case in Crime No.384/2026 for the offence u/s 25(1A) of Arms Act against the petitioner. The petitioner is in judicial custody for the past 26 days. The petitioner is in no way connected with the offences alleged. The averments in the FIR would not attract the offence u/s 25(1A) of Arms Act. No similar petition is filed or pending before any superior courts. The petitioner is ready to abide by any conditions that would be imposed by this Court and that the petition is to be allowed.

4. Per contra, the learned Public Prosecutor submitted that the defacto-complainant is the Sub-Inspector of Police, Sellur P.S. On 07.06.2026, the petitioner was found in unlawful possession of sword with intention of committing crimes. The defacto-complainant arrested the petitioner and recovered one sword

from him. The petitioner has 9 previous cases of grave offences. Investigation is pending and objected to allow the petition.

5. Rival contentions are taken into consideration. The alleged offence against the petitioner/accused is u/s 25(1A) of Arms Act. As per the case of the prosecution, the petitioner was found in unlawful possession of sword with intention of committing crimes.

6. The observations made by the Hon'ble Kerala High Court in the decision reported in 2017(4) KLJ 787 Jenu Vs. State of Kerala and the Hon'ble Jammu and Kashmir High Court in the decision reported in 2021 (04) Jammu and Kashmir CK (Court Kutchehry) 0067, Balbir Singh Vs. State of Jammu and Kashmir (Criminal Revision No.43/2010) dated 28.04.2021 make it clear that though the case has been registered u/s 25(1A) of Arms Act, the allegations in the FIR attracts the offence u/s 25(1)(B)(b) of the Arms Act, 1959 only. It seems that there is no offence against the petitioner u/s 25(1A) of Arms Act. The learned Public Prosecutor would argue that since the petitioner is involved in 9 previous cases, the bail petition may be dismissed, but the section of offence is wrongly quoted by the police and ingredients of the FIR would not attract the offence u/s 25(1A) of Arms Act and it is not proper to file the case u/s 25(1A) of Arms Act.

7. This is the 2nd petition filed by the petitioner. The defacto-complainant is the Sub-Inspector of Police. All other witnesses are official witnesses and there is no chance for tampering the evidence. The petitioner is in custody for 26 days. Material part of investigation ought to have been completed by this time. Further custodial interrogation of petitioner is not necessary. However, the learned Public Prosecutor strongly objected stating that the petitioner is involved in 9 previous cases including a murder case. Considering the above facts, the duress period of petitioner and also the criminal background of petitioner, this court is inclined to grant bail to the petitioner on stringent conditions.

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.II, Madurai subject to the following conditions:-

(i) After release, the petitioner shall stay at Sivagangai and shall appear and sign before the Judicial Magistrate No.I, Sivagangai daily at 10.30 a.m. for a period of 30 days.

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

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

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

(v) 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 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.**

Pronounced by me in the Open Court on the 2nd day of July, 2026.

Principal Sessions Judge,
Madurai

Copy to

1. The Judicial Magistrate No.I, Sivagangai
2. The J.M.No.2. Madurai.
3. The Inspector of Police, Sellur P.S.
4. The Superintendent, Central Prison, Madurai.
5. The Petitioner through his counsel.