

TNMD010042272026



In the Court of the Principal Sessions Judge, Madurai.

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

Principal Sessions Judge, Madurai.

Saturday, this the 4th day of July, 2026.

Crl.M.P.No.3046/2026

CNR No.TNMD010042272026

Maheshwaran, S/o.Mohanthas

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Karimedu P.S. in Cr.No.223/2026

... Respondent/Complainant.

This petition coming on today for hearing before me in the presence of Thiru.P.Vijay, 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 sides.

3. The learned counsel for the petitioner/accused submitted that the respondent police has registered a case against the petitioner in Cr.No.223/2026 for the offence u/s 25(1)(a) of Arms Act. The petitioner is in judicial custody for the past 26 days. The petitioner is in no way connected with the offences alleged. 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, Karimedu P.S. On 10.06.2026, the petitioner was found in unlawful possession of long size Aruval with intention of committing crimes. The defacto-complainant, who was on patrol, arrested the petitioner and recovered one Aruval from him. The petitioner is involved in 6 previous cases. 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(1)(a) of Arms Act. As per the case of the prosecution, the petitioner/accused was found in unlawful possession of Aruval 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(1)(a) 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(1)(a) of Arms Act. The learned Public Prosecutor would argue that since the petitioner is involved in 6 previous cases and he has long criminal background, 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(1)(a) of Arms Act and it is not proper to file the case u/s 25(1)(a) of Arms Act.

7. 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. Though previous cases are reported against the petitioner, considering the above facts, the duress period of petitioner and the facts and circumstances of the case, this court is inclined to grant bail to the petitioner on 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.V, Madurai subject to the following conditions:-

(i) After release, the petitioner shall appear and sign before the Inspector of Police, respondent police station **daily at 10.00 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 4th day of July, 2026.

Principal Sessions Judge,
Madurai

Copy to

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