

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.9552 of 2020

Sathiyaraj

... Petitioner

Vs.

State Rep. by

The Inspector of Police
Walajapet Police Station,
Vellore District.

Crime No.619 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.619 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.K.Prabakar

Additional Public Prosecutor

O R D E R

सत्यमेव जयते

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.05.2020 in Crime No.619 of 2020 on the file of the respondent police for the offences punishable under Sections 25(1) (a) of Indian Arms Act and 120(B) of IPC, seeks bail.

2. The case of the prosecution as per the defacto complainant/Inspector of Police, Organised Crime Intelligent unit, Vellore is that on secret information that one Vellai Prakash a rowdy from Chennai was to hand over a country made gun to one rowdy named Deva in Vellore, they were keeping watch at Wallajah Vannivedu Cross road and at that time they had seen a person who had come in a motorcycle discussing and

exchanging certain articles. On seeing the police, they had attempted to escape from the place. The police party chased and apprehended them and during search a 9mm country made pistol with three rounds was recovered from their possession. Apart from the pistol certain mobile phones and sim cards were also recovered from them and petitioner was arrested on the same day.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since, he happened to be driver of one Deva of Vellore, other than that he has nothing to do with the alleged offence. There is no previous case against the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is a member of gang of organized criminals. There was a rivalry between persons who were doing scrap business around Ranipet area. In order to do away with the rivals and to prove supremacy, the petitioner/Driver had procured 9mm country made pistol for his boss. The petitioner being a driver of the main accused Deva had communicated the other accused through conference call in his mobile and the entire deal was done through the conference call and the petitioner was very much aware of the criminal activities of purchase and handling of illicit arms. He would submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the Counsels and the petitioner is inside in custody from 28.05.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the Judicial Magistrate-II, Walajapet, within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police daily at 10.30a.m., until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during
<https://hservices.ecourts.gov.in/hservices/>

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, WALAJAPET

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S. D.RAJAGOPAL Advocate on payment of necessary charges

RD 17/08/2020

CRL OP.9552/2020

Date :01/07/2020