

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

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

Crl.O.P.No.10125 of 2020

Deva @ Devakumar

... Petitioner

- Vs. -

State by

The Sub Inspector of Police,
Walajapet Police Station,
Vellore.

(Crime No.619 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.619 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jaikumar

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 28.05.2020 for the offences punishable under Section 25 (1) (a) of Arms Act and 120(B) of the Indian Penal Code, 1860, in Crime No. 619 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with the other accused was found to deal with the illicit arms.

3.The learned counsel for the Petitioner would submit that the petitioner is innocent, since he got 3 previous cases, this case has been foisted against him. He would submit that one of the co-accused has been granted bail by this Court and other accused have enlarged on bail by the lower Court. He would further submit that the petitioner is prepared to abide any stringent condition imposed by this Court.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is connected with notorious gang of rowdy elements and was involving in dealing of illicit country made pistols. He would further submit that pistols have been recovered and that the petitioner has got 3 previous cases, out of which, one is under Arms Act.

5.Taking into consideration of the facts and circumstances of the case, 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) each, before the learned Judicial Magistrate-II, Walajapet, within 15 days from the date of lifting of the lockdown 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 everyday at 10.30 a.m. until further orders.

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

(f) the Petitioner shall not abscond either during investigation or trial;

(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/-
08/07/2020

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 SUB INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

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

CRL OP.10125/2020

Date :08/07/2020

cs 04/08/2020

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