

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.13255 of 2020

Venkatesan

... Petitioner

Vs.

State rep. By its  
The Inspector of Police,  
Anaicut Police Station,  
Vellore District.  
(Cr. No.571 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,  
praying to enlarge the petitioner on bail in the event of his arrest  
in Crime No.571 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M.Mohammad Riyaz  
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the  
respondent police for the offences publishable under Sections  
25(1-B)(a) of Indian Arms Act, 1959, in Crime No.571 of 2020, on the  
file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence,  
during routine patrol duty by the police, they noticed that the  
petitioner was in possession of a country made weapon (gun). Hence  
the complaint.

3. The learned Counsel for the petitioner submitted that the  
petitioner is a person belonging to the Tribal group (Alleri Mountain  
Area) and he is living in the said area along with 100 other  
families belonging to the same group. Further, he would submit that  
they were in possession of the gun over for years and they were using  
the said weapon to protect them from the wild animals. Also he has  
submitted that the petitioner do not have any other connected  
criminal case and he is not a terrorist. Hence, he prays for grant  
of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner belongs to the Tribal community and living near the said mountain area and there is no previous case pending against the petitioner. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate - V, Vellore on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
04/09/2020

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.V, VELLORE.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ANAICUT POLICE STATION,  
VELLORE DISTRICT.

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

CRL OP.13255/2020

Date :04/09/2020

cs 15/09/2020

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