

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.12.2020

CORAM :

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

CRL.O.P.No.20296 of 2020

VASANTHA KUMAR

... Petitioner

Vs.

State Rep. By
Sub Inspector of Police,
Alangayam Police Station,
Vellore District.
(Crime No.551 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.551 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.12.2020 for the offences punishable under **Section 25(1A) of Arms Act, in Crime No.551 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz.Rajendran, Sub Inspector of Police, Alangayam Police Station, Vaniyambadi District is that on 06.12.2020, while he was on his usual rounds, the petitioner was found to be coming along with an object and on seeing the police, he attempted to hide the same and when the defacto complainant apprehended him, he found that the accused was in possession of an unlicensed country made gun without bullets. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a rustic villager living near the forest area and

the said gun belonged to the olden days which was possessed by his father and that the petitioner without understanding the consequences was just holding it, thereby, he was arrested.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner is an Agriculturist and he was in possession of country made gun without licence.

5.Heard the learned counsels on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.III, Thiruppathur**, and on further conditions that:

(b) 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;

(c) the petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

(e) the petitioner shall not abscond either during investigation or trial;

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

(g) 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];

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

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

-sd/-
23/12/2020

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.III, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
ALANGAYAM POLICE STATION,
VELLORE.

5 THE OFFICER INCHARGE,
SUB JAIL, TIRUPPATHUR.

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

CRL OP.20296/2020

Date :23/12/2020

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MN-28/12/2020