

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.1341 of 2021

V.Prakash

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Anamalai Police Station
Anamalai, Coimbatore
(Crime No.616/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.616 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are four accused and the petitioner is arrayed as A4. The petitioner apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 25(1B) (a), 27(1) of Arms Act, 1959, in Crime No. 616 of 2020, on the file of the respondent police, and now, he has filed this petition seeking to grant anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused using unlicensed gun hunted a deer in a reserved forest. Hence, the criminal case has been registered against the petitioner. Now, apprehending arrest, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that earlier, the petitioner along with other accused were implicated as accused in another criminal case in Crime No.2 of 2019 on the ground that all the accused hunted a deer in the reserved forest and accordingly, they were arrested and released on bail. He would submit

that in respect of very same occurrence, now after one year, the present complaint has been registered by the respondent police under the Arms Act for possessing unlicensed gun. He would submit that he is an innocent person and he is no way connected with the offence. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that earlier, the Forest department has registered a criminal case for hunting a deer in a reserved forest with unlicensed gun, in consequent to that, the present complaint has been registered against the petitioner. He would submit that the co-accused was arrested and released on bail. He would also submit that the case has been registered based on the direction of the learned Judicial Magistrate for possession of gun. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that the co-accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pollachi on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police as and when required for interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

[g] 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/-
11/02/2021

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.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANAMALAI POLICE STATION,
ANAMALAI, COIMBATORE.

+1 CC to M/S I.ABRAR MOHAMED ABDULLAH Advocate on payment of
necessary charges SR.NO.1478

CRL OP.1341/2021

Date :11/02/2021

cs 18/02/2021