

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.04.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6611 of 2021

1. Ramasamy @ James
2. Kaliyappan

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Annur Police Station,
Coimbatore Dt.
(Crime No.96 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.96 of 2021 on the file of the respondent Police.

For Petitioners : Mr.N.Ponraj

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 21.02.2021 for the offence punishable under Section 3 of Explosive Substances Act, 1908 and Section 429 of I.P.C. r/w 51 (1) of Wild Life (Protection) Act, 1972, in Crime No.96 of 2021, seeks bail.

2. Totally, there are two accused and the petitioners are arrayed as A1 and A2. The case of the prosecution is that both the petitioners said to have entered into the forest area and killed a wild pig by using explosive substances. Hence, a criminal case has been registered, and the petitioners were arrested and remanded to judicial custody on 21.02.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioners would submit that they are innocent persons and they have been falsely implicated in this case. He would submit that now the investigation is over and they are in jail for more than 45 days. Hence, he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has vehemently opposed this petition on the ground that the petitioners have entered into the forest area and killed a wild pig by using explosive substances. She would submit that now, the investigation is almost completed and there is no bad antecedents against the petitioners. Hence, she opposed to grant bail to the petitioners.

5. Taking into consideration of the fact that the investigation is almost completed, and also considering the period of incarceration suffered by the petitioners from 21.02.2021, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Mettupalayam, 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 petitioners, after their release from prison, shall report before the respondent police as and when required for interrogation;

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

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
01/04/2021

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,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
ANNUR POLICE STATION,
COIMBATORE DISTRICT.

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

CRL OP.6611/2021

Date :01/04/2021

MK:07/04/2021

WEB COPY