

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7949 of 2021

1. Desing
2. Prabhakaran

... Petitioners

Vs.

The State Rep by
The Inspector of Police,
Sendamangalam Police Station,
Namakkal District.
Cr.No.254 of 2021

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.254 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.M/s Kran and Uday

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 17.03.2021 and remanded to judicial custody for the offences under Section 25(1B)(a) of ARMS Act, 1959 in Cr.No.254 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the respondent police is on regular check up they found that the petitioners were in possession of country made gun without any licence and they were using the gun for hunting purpose. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel for the petitioners submit that the petitioners belong to Nari Kuravar community and they were having only Muzzle loaded gun which is commonly seen in Temple Festival and the petitioners are not possessing any single or double barrel gun, which was prohibited by the Government. He further submits the

petitioners were in jail from 17.03.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners were in possession of country made gun without any licence and they were using the gun for hunting purpose. She further submits that investigation is almost completed.

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

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sendamangalam, Namakkal District and on further condition that:

(a) 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 petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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]; and;

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

-sd/-
28/04/2021

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,
SENDAMANGALAM, NAMAKKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SENDAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S.KARAN AND UDAY Advocate on payment of necessary charges

सत्यमेव जयते

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Date :28/04/2021

cs 29/04/2021