

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10253 of 2021

Sakthivel

... Petitioner/Accused

Vs

State Rep.by the Inspector of Police, ... Respondent/Complainant
Chengam Police Station,
Tiruvannamalai District.
(Crime No.177 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.177 of 2021 pending on the file of the respondent.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.04.2021 for the offence punishable under Section 25(1) (A) of Arms Act 1959 in Crime No.177 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is said to have found in possession of country made gun without any valid permission. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Hence, he seeks bail for the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner was found in possession of country made gun without permission and the same was recovered. There is no previous case against the petitioner. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on condition that he shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the concerned Magistrate within a period of fifteen days from the lifting of lock down and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c] 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.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks, thereafter as and when required.

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

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

[g] 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
11/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
CHENGAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

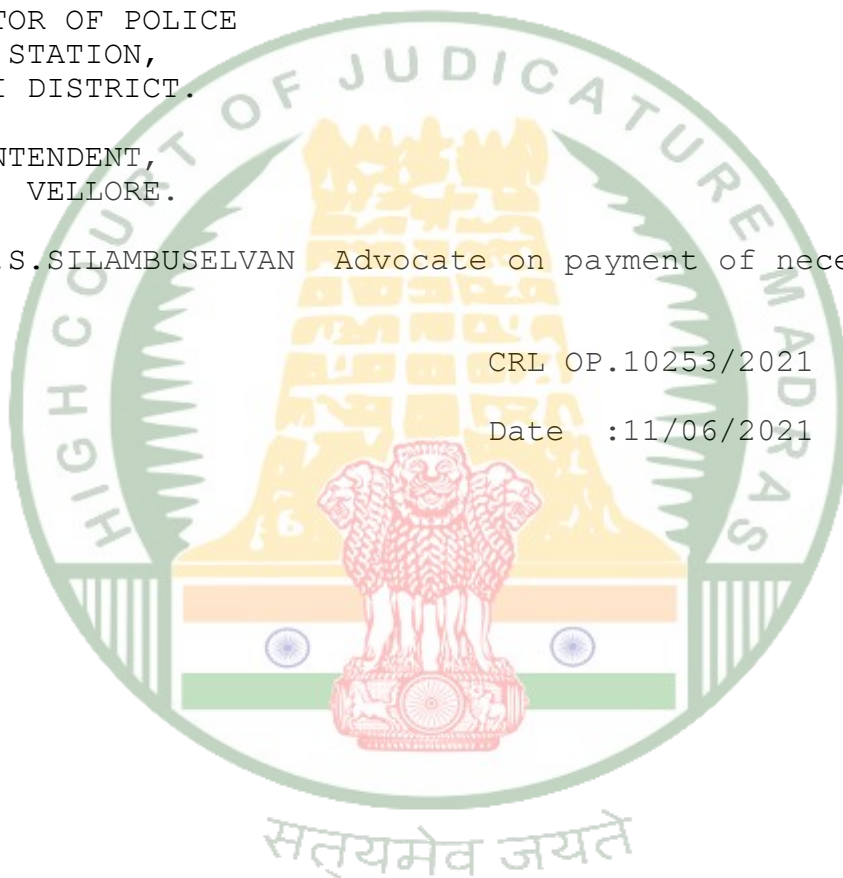
5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

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

CRL OP.10253/2021

Date :11/06/2021

TA-11/06/2021



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