

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10449 of 2021

P.Karunakaran

..Petitioner/Accused No.3

-Vs-

State rep.by
Inspector of Police,
Jolarpet Police Station,
Vellore District.
(Cr.No.491 of 2020)

..Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in Crime No.491 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Criminal Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 286 and 337 of I.P.C. r/w 25(1)(a) of Arms Act 1959, in Crime No.491 of 2020, on the file of the respondent, seeks anticipatory bail.

2. There are totally four accused and the petitioner is arrayed as Accused No.3. The case of the prosecution as per the defacto complainant is that the petitioner along with other persons were in possession of Country made gun. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that there is no previous case pending against the petitioner. He would further submit that the Arivu @ ARavindan/A2 was arrested and released on bail by this Court in Crl.O.P.No.18300 of 2020 dated 20.11.2020. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused persons were in possession of country made gun. He would further submit that the main accused/A1 was arrested and the alleged weapon was also recovered from him. However, he opposed the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions of the learned Counsel and the co-accused has already granted bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. 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-I, Thirupattur, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

(d) the petitioner 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;

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

-sd/-

16/06/2021

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, THIRUPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S G.NIRMAL KRISHNAN Advocate on payment of necessary charges

CRL OP.10449/2021

Date :16/06/2021

RVR 07/07/2021

WEB COPY