

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19502 of 2020

1.Anandhan ... petitioners/Accused 1 & 2
2.Poovarasan

Vs.

State Represented by, ... Respondent
The Inspector of Police,
Virudampet Police Station,
Vellore District.
(Crime No.1353 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioners on bail in the event of his arrest in Crime No.1353 of 2020 on the file of the respondent police.

For petitioners : M/s.S.P.Arthi

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 25(1B)(a) and 27(1) of Arms Act and Section 337 of IPC, in Crime No.1353 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 2nd petitioner and one Danraj had indulged in hunting Rabbits by using country made gun. Accidentally, the gun which was in possession of the 2nd petitioner fell down and got fired due to which, the 2nd petitioner and the said Danraj sustained injuries. At that time, the 1st petitioner who is the father of the 2nd petitioner rescued them and admitted in the hospital. Thereafter, based on the complaint given by the VAO, the crime has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Even as per the prosecution, the 2nd petitioner and one Danraj is said to have been involved in hunting and that there is no allegation against the 1st petitioner. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on 21.11.2020, the 2nd petitioner and one Danraj had indulged in hunting rabbits by using country made gun. At that time, the gun accidentally dropped down and fired in which both the 2nd petitioner and his friend Danraj sustained injuries and there is no previous case pending against the 2nd petitioner. However, he would oppose for grant of anticipatory bail to the 2nd petitioner. He would further submit that the first petitioner is not an accused in this case.

5. Heard the learned counsel and perused the materials available on record.

6. Recording the submission made by the learned Additional Public Prosecutor that the first petitioner is not an accused in this case, this Criminal Original Petition is closed insofar as the first petitioner is concerned.

7.Taking into consideration the facts and circumstances of the case and submissions of the learned Counsel, **this Court is inclined to grant anticipatory bail to the 2nd petitioner** subject to the following conditions;

8.Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate-III, Vellore**, on condition that the petitioner shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 2nd petitioner shall report before the respondent Police as and when required.

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

[d] the petitioner shall not abscond either during investigation

[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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

05/01/2021

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.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VIRUDAMPET POLICE STATION,
VELLORE DISTRICT.

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

WEB COPY CRL OP.19502/2020
Date :05/01/2021

TA-01/02/2021