

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19725 of 2020

1.Balakrishnan
2.Duraisamy @ Subramaniam
3.Kalimuthu @ Kanagaraj

... Petitioners/Accused 1,5 and 6

-Vs-

The State represented by
Inspector of Police,
Anaimalai Police Station
Coimbatore District.
(Crime No.616 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.616 of 2020 on the file of the respondent.

For Petitioners : Mr.M.N.Balakrishnan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 25(1-B), (a) and 27 of Arms Act, 1959, in Crime No.616 of 2020, seek anticipatory bail.

2.The case of the prosecution is that petitioners were found in possession of un-licensed gun for hunting Sambar Deer in Anaimalai Tiger Reserve Forest. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are no way connected with the said offence and they have been unnecessarily implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioners were earlier arrested for offence under the Wild Life Act for the offences under Sections 21(b), 2(20), 2(2), 2(35), 39(1), 39(2), 39(3), 50, 51(1), 51(2) and 51(3) for hunting a Sambar Deer and thereafter, released on bail. Now, possessing a unlicensed gun used for committing the very same offence, the present case has been registered.

5. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and submissions of the learned Counsel as the petitioners were already arrested and released on bail for hunting, and this case has been registered only for possessing a gun, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7. Accordingly, the petitioners are 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-I, Pollachi, 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 petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m., for the period of two weeks and thereafter as and when required.

[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 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.

8.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.I, POLLACHI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
ANAIMALAI POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges Sr.82

CRL OP.19725/2020

Date :05/01/2021

RVR 18/01/2021

सत्यमेव जयते

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