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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24269 of 2021

Mariyappan

... Petitioner

Vs.

State by
Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri.
(Crime No.449 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.449 of 2021 pending investigation on the file of the Inspector of Police, Mathikonpalayam Police Station, Dharmapuri.

For Petitioner : Mr.M.Selvam

For Respondent : Mr.N.S.Suganthan
Government Advocate(Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.11.2021 for the offences under Section 25(1)(a) of Arms Act in Crime No.449 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner was in the possession of country made gun without licence. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. However, on instructions, the learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court. He further submits that the petitioner has been suffering incarceration for more than 20 days from 21.11.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) submits that the country gun was recovered from the petitioner and the investigation was almost completed. However, he vehemently opposed to grant bail to the petitioner.

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5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and also the fact that the country gun was recovered and the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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, each for a like sum to the satisfaction of learned Judicial Magistrate -I, Dharmapuri and on further conditions that:

(a) the petitioner is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocates Clerks Association, Dharmapuri, Dharmapuri District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(b) 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;

(c) the petitioner shall report before the respondent police station on every Tuesday and Sunday at 10.30 a.m. until further orders;

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;



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

-sd/-

13/12/2021

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, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPUTI

4 THE INSPECTOR OF POLICE,
MATTIKONPALAYAM POLICE STATION,
DHARMAPURI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION, DHARMAPURI,
DHARMAPURI DISTRICT.

CC to Mr.M.Selvam Advocate on payment of necessary charges
Sr.14606

CRL OP.24269/2021

Date :13/12/2021

RVR 13/12/2021