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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

CORAM:

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

Cr1.O.P.No.25215 of 2021

Chinnasamy

.. Petitioner

Vs.

State rep. by its
The Inspector of Police,
Kolathur Police Station
Salem District
(Crime No.412 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 connection with Crime N.412 of 2021 on the file of the respondent police.

For Petitioner : M/s.C.Deepak Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offence under Section 25(1-B) (a) of Indian Arms Act in Crime No.412 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 09.11.2021, when the Forest Officer, Mettur was on his routine patrol, he found the petitioner in possession of a Country made Gun and bullets in a cover. Hence this case.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is a Tribe and he has been falsely implicated in this case and that he has been suffering incarceration for more than 40 days from 09.11.2021. Further, on instructions, he would submit that the petitioner is



ready and willing to pay a sum of Rs.10,000/- to any Charitable Institute without prejudice to his rights and contentions as may be directed by this Court and he would pray for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection stating that petitioner was found in illegal possession of a Country made Gun along with 9 bullets and 30 small bullets and the same has been seized but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and the weapon has been seized and also considering the period of incarceration undergone by the petitioner, 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 the learned Judicial Magistrate-I, Mettur, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) through demand draft to the Registered Advocates Clerks Association, Salem, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(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 on every Saturday 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.

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-sd/-
22/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE REGISTERED ADVOCATES
CLERKS ASSOCIATION, SALEM.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges

CRL OP.25215/2021

Date :22/12/2021

RW 22/12/2021