



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

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

Crl.O.P.No.84 of 2022

1.Selvan
2.Manoharan

... Petitioners

Vs.

State Rep.by
The Inspector of Police,
Mettupalayam Police Station,
Coimbatore District.
(Crime No.1314 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.1314 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr.S.N.Arunkumar

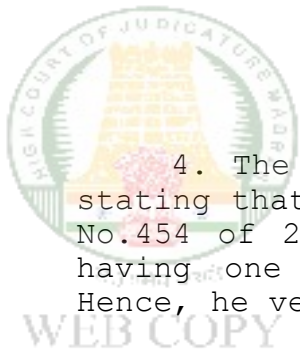
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners who were arrested and remanded to judicial custody on 01.12.2021 for the offences under **Section 25 (1B)(a) of Arms Act, 1959 and Section 5 of Explosive substances Act, 1908** in Crime No.1314 of 2021 on the file of the respondent police seek bail.

2. The case of the prosecution is that the based on the secret information, the respondent police conducted a search and found that the petitioners were in illegal possession of country made gun with metal pellets and hand made gun powder. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the petitioners have been suffering incarceration for more than 30 days from 01.12.2021. Hence, he prays to grant bail to the petitioners.



4. The learned Government Advocate (Crl. Side) raised objection stating that first petitioner is a history sheeter vide History Sheet No.454 of 2009. He further submitted that the second petitioner is having one previous case and the investigation almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that the investigation is almost completed and with regard to first petitioner, he is a history sheeter, this court is not inclined to grant bail to the first petitioner. With regard to second petitioner, , this Court is inclined to grant bail to the second petitioner with certain conditions;

(a) the second Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the second petitioner has been confined and thereafter on his release;

(b) the second petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate Court, Mettupalayam , within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the second petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m. until further orders;

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

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

(g) 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 are 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;

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

7. With the above directions, this Criminal Original Petition in respect of the first petitioner stands dismissed. The Criminal Original Petition in respect of the second petitioner stands ordered.

-sd/-
06/01/2022

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 COURT,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
METTUPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to MR.S.N.ARUNKUMAR, Advocate on payment of necessary charges

CRL OP.84/2022

Date :06/01/2022

TA-07/01/2022