



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

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

Crl.O.P.No.1278 of 2022

Chinna thambi

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
(Crime No.372 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest in Cr.No.372 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Velmurugan

For Respondent : Mr.A.Gokulkrishnan
Additional Public Prosecutor

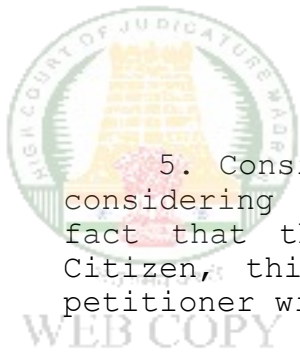
ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 25 (1-B) (a) of ARMS Act in Crime No.372 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has possessed two country guns without any valid license in his house. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and he further submits that the petitioner is aged about 60 years and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent stating that the petitioner possessed the two country gun without any valid license and the same was seized by the respondent police. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the country gun was seized and petitioner is a Senior Citizen, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate II, Dharmapuri on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner being a Senior Citizen shall report before the respondent police as and when required for an interrogation;

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

[d] the petitioner 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 has been imposed and the petitioner is 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;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

21/01/2022

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,
NO.II, DHARMAPURI

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.

CC to M/S. S.VELMURUGAN Advocate on payment of necessary
charges Sr.968

CRL OP.1278/2022

Date :21/01/2022

RVR 31/01/2022