



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.2839 of 2022

C.Dhanakotti

.. Petitioner

Vs.

The State represented by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
(Crime No.372 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 No.372 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.S.Velmurugan

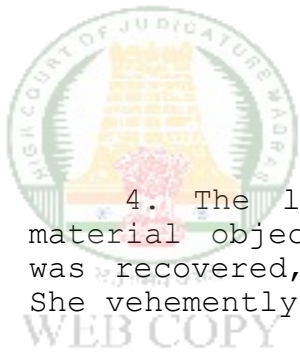
For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 08.01.2022 for the offences under Section 25(1-B)(a) of the ARMS Act, 1959 in Crime No.372 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 01.09.221 at about 12 P.M the respondent police received secret information regarding the country gun. Further based on the secret information Sub Inspector of Police one Mr.Sampath Kumar along with two other police officials went to the house of the petitioner and they had found an old country guns two in numbers in the length of one country gun is 155.5 cm and the another one is 132 cm. Hence this complaint.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is suffering incarceration from 08.01.2022. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor states that the material object which is necessary for completing the investigation was recovered, the other accused already granted anticipatory bail. She vehemently opposed to grant bail to the petitioner.

5. Submissions made by the learned counsel on either side were considered.

6. Considering all these facts, as on now the material object which is necessary for completing the investigation was recovered, also the other accused already granted anticipatory bail, hence, in view of the fact the portion of the investigation has been completed, this Court is inclined to grant bail to the petitioner with certain conditions.

7. The petitioner is ordered to be released on bail on their executing separate bonds 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 - II, Dharmapuri and on further conditions that:

(a) 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 petitioner shall deposit Rs.5,000/- (Rupees Five Thousand only) to the credit of the Cancer Institute (WIA) (Regional Cancer Centre), Adyar, Chennai - 600020, bearing A/c.No.149710011005477, Andhra Bank, Madhya Kailash Branch 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.

(c) the petitioner shall report before the respondent police daily 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/-

07/02/2022

WEB COPY

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-II,
DHARMAPURI.

2 THE CHIEF JUDICIAL MAGISTRATE,
DHARMAPURI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
THOPPUR POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, DHARMAPURI.

6 THE CANCER INSTITUTE (WIA)
(REGIONAL CANCER CENTRE),
ADYAR, CHENNAI -600020,
BEARING A/C.NO.149710011005477,
ANDHRA BANK, MADHYA KAILASH BRANCH.

+1 CC to M/S.S.VELMURUGAN Advocate on payment of necessary charges SR.NO.2045

CRL OP.2839/2022

Date :07/02/2022

INBA~08/02/2022