



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.3947 of 2022

Boopalan

... Petitioner /
Accused

versus

State of Tamil Nadu,
rep. by Sub-Inspector of Police
C-1, Sriperumbudur Police Station,
Sriperumbudur Taluk,
Kancheepuram District.
(Crime No.98 of 2022)

... Respondent /
Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.98 of 2022 on the file of the respondent police.

For Petitioner : Mr.V.Anandhamurthy
for Mr.A.Ramalingam

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 06.02.2022 for an offence punishable under Section 27(1) of Arms Act, 1959 in Crime No.98 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner threatened the public by using a long knife to cast their vote only to his wife, who is contesting the Panchayat election of Sriperumbudur Panchayat. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 06.02.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, the weapon, which was used during the time of occurrence was recovered by the respondent police at the time of securing the petitioner.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case against this petitioner for the offence punishable under Section 27 (1) of Arms Act, 1959. The averments found in the First Information Report would disclose the fact that during the relevant point of time, the petitioner by showing long knife threatened the public to cast their vote to his wife, who is a candidate in ward election. In fact, the election was posted tomorrow, in otherwise, the weapon used at the time of the alleged occurrence was recovered. The petitioner is the first offender and he is in judicial custody from 06.02.2022 onwards.

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sriperumbudur;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation;

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



(e) on breach of any of the aforesaid conditions, the learned Judicial 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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

17/02/2022

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATU. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, TIRUVALLUR.

4 THE SUB INSPECTOR OF POLICE,
C-1, SRIPERUMBUDUR POLICE STATION,
SRIPERUMBUDUR TALUK,
KANCHEEPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.A.RAMALINGAM Advocate on payment of necessary charges SR.NO.2450

CRL OP.3947/2022

Date :17/02/2022

RW 17/02/2022