



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8799 of 2022

Palaniyappan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Kottapatti Police Station,
Dharmapuri District.
(Crime No.69 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.69 of 2022 on the file of the Respondent Police.

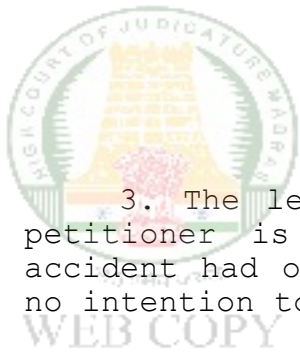
For Petitioner : Mr.J.Pradeep

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

ORDER

The petitioner/Accused, who was arrested on 28.03.2022 for the offences punishable under Sections 285 & 338 of IPC and Sections 25 (1B) (a) & 27(1) of Arms Act, 1959 in Crime No.69 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was arrested on 28.03.2022 for possessing the country made gun and accidentally causing bullet injury to his friend, who was accompanying him towards forest for hunting. The First Information Report indicates that on 27.03.2022 night, the petitioner and the victim went to the forest carrying country made gun for rabbit hunting. At that time the petitioner carrying the gun fell down accidentally and pressing the trigger given a shot near the left side neck of the victim and the victim was taken to the hospital for treatment. After 10 days of in-patient treatment, the victim got discharged from the hospital.



3. The learned counsel for the petitioner would state that the petitioner is a tribal living near the reserved forest and the accident had occurred due to negligence of the petitioner and he had no intention to cause any injury.

4. Considering the fact that the petitioner's country made gun already recovered and even according to the First Information Report it is only an accidental incident and not intentional one. Though carrying an unlicensed weapon is an offence under the Arms Act, using the said gun for hunting wildlife is another distinct offence. Taking note of the fact that the petitioner is in prison for the past 23 days and the weapon has been recovered, this Court is of the view that the petitioner may be granted bail 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.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Harur, Dharmapuri District.

(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 report before the Investigating Officer 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) 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.

WEB COPY

-sd/-
19/04/2022

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,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOTTAPATTI POLICE STATION,
DHARMAPURI DISTRICT

4 THE OFFICER INCHARGE
DISTRICT JAIL,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.8799/2022

Date :19/04/2022

JPA 20/04/2022