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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.13455 of 2022

Mohan

..Petitioner

Vs.

State represented by
The Inspector of Police,
Hudco Police Station,
Krishnagiri District.
Crime No.188 of 2022

..Respondent

PRAYER:-

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above said crime No.188 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.05.2022 for the offence under Section 25 (1) (a) of Arms Act, 1959 in crime No.188 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on the source information received the defacto complainant who is the Sub Inspector of Police along with other police officials, at 11.00 p.m. secretly went to the residence of one Srinivasan and came to know that five unknown persons have assembled with deadly weapons and were planning to commit an offence. Hence, the case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in the present case and he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally 8 accused in which the petitioner is arrayed as first accused. One of the co-accused was granted anticipatory bail in CrI.O.P.No.12951 of 2022 vide order dated 01.06.2022. Even, as far as according to the case of the prosecution that the petitioner along with other accused assembled with deadly offence and planned to commit offence. That apart, petitioner is having one more previous case. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of his arrest on 28.05.2022, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Hosur 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 stay at Egmore and report before the Harbour Police Station, Chennai daily morning at 10.30 a.m and evening at 5.00 p.m. for a period of two weeks, thereafter, petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

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-sd/-

10/06/2022

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, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
HUDCO POLICE STATION,
KRISHNAGIRI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
HARBOUR POLICE STATION,
EGMORE, CHENNAI.

+1CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.No.8811

CRL OP.13455/2022

Date :10/06/2022

CSK 10/06/2022