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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM

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

CrI.O.P.No.13912 of 2022

1.Kuppusamy @ Karuthapandi

2.Sivapandi

..Petitioners

Vs.

State represented by
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 petitioners on bail in the above said crime No.188 of 2022 pending investigation on the file of the respondent police.

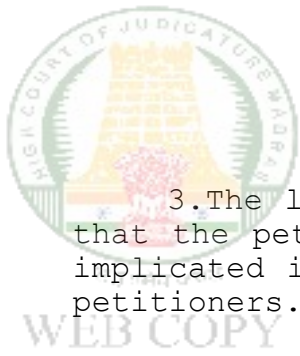
For Petitioners : Mr.M.Mohamed Riyaz

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

ORDER

The petitioners, who were 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, seek bail.

2.The case of the prosecution is that the defacto complainant is the Sub Inspector of Police. On 27.05.2022, on the source information received at about 11.00.p.m. the defacto complainant went to the residence of one Srinivasan and came to know that the petitioners have assembled with deadly weapons and were planning to commit an offence. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in the present case and he prays for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the petitioners were assembled with deadly weapons. He further submits that the first petitioner is having six previous cases and the second petitioner is having one previous case. Hence, he vehemently opposed to grant bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration undergone by the petitioners from the date of their arrest namely on 28.05.2022, this Court is inclined to grant bail to the petitioners on certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees ten thousand only) each, 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 petitioners shall stay at Sriperumbadur and report before the Inspector of Police, Sriperumbadur daily morning at 10.30 a.m and evening at 5.00 p.m. for a period of four weeks and thereafter petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks, thereafter as and when required.

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

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].



[d] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

17/06/2022

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 INSPECTOR OF POLICE
SRIPERUMBADUR.

+1CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.No.9447

CRL OP.13912/2022

Date :17/06/2022

CSK 17/06/2022