



Crl.O.P.No. 17808 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 25(1B) (a) of Arms Act in Crime No.264 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that based on the secret information, the respondent police seized 5 Country made Gun (SBML) from the house of one Selvam. After registration of the FIR, the respondent police arrested on Murugan in connection to the above crime. On the confession statement given by the said Murugan stating that he and the petitioners had taken the country made Gun in the forest area before 4 years and hide the same in the house of the said Selvam.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are totally four accused, in which the petitioners are arrayed as A3 and A4. The petitioners were in possession of five country made gun and the same was seized by the respondent police. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally four accused, in which the petitioners are arrayed as A3 and A4. Even according to the prosecution, the petitioners were in possession of country made gun. That apart, on confession of the first accused, the petitioners were implicated in this case.

6. Taking note of the facts and circumstances, as custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned District Munsif-cum-Judicial Magistrate, Vazhapadi, Salem



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District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and 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 report before the respondent police daily at 10.30 a.m. for a period of four weeks, thereafter as and when required for interrogation.

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

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court



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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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