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CrI.OP.No.18252 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2022

CORAM

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

CrI.OP.No.18252 of 2022

1. Gnanaprasath @ Kaipillai
2. Nagu @ Nagaraj

...Petitioners

Vs.

The Inspector of Police,
Inspector of Police,
Sriperumbudhur Police Station)
Kanchipuram District.
(Crime No.380 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in connection with Crime No.380 of 2022 on the file of the Respondent Police.

For Petitioners : Mr.R.Sasikumar

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 01.07.2022 for the offences punishable under Sections 25(1A) of ARMS Act 1959 and Section 9 of Wild Life Protection Act 1972 altered into Sections 147, 148, 120(B) of IPC read with Sections 25(1A) of ARMS Act in crime No.380 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the respondent police was on their routine patrol rounds near Valarpuram, they found four known persons trying to dig a hole behind the house of one Vijay/A2. On seeing the police party, they escaped from the place of occurrence and in the place of occurrence, the police party found four knives, ½ Kg of screws and three pieces of deer horns. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners was arrested and remanded to judicial custody on 01.07.2022. Hence, he prays for grant of bail to the petitioners.



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4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally six accused, in which the petitioners are arrayed as A4 & A5. He further submitted that respondent police seized four knives, ½ Kg of screws and three pieces of deer horns from the place of occurrence. After investigation, all the accused persons were arrested and in the confession statement, they admitted that they all conspired together to commit a murder and also prepared country bombs. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, from the date of his arrest i.e., 01.07.2022, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumbudhur**, and on further conditions that:



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[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 report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of six weeks and thereafter as and when required for interrogation.

[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.

[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 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.

05.08.2022

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To

- 1.The Judicial Magistrate,
Sriperumbudhur.
- 2.Inspector of Police,
Sriperumbudhur Police Station
Kanchipuram District.
- 3.Central Prison, Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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