



Crl.OP.No.21287 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Vishva @ Viswananthan

... Petitioner

Vs.

State by :

The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram.
(Cr. No.380/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.380 of 2022 on the file of
the respondent Police Station.

For Petitioner : Ms.S.Nadhiya

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.06.2022 for the offences punishable under Section 25(1A) of Arms Act, 1959 and Section 9 of the Wild Life (Protection) Act, 1972, in Crime No.380 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.05.2022, while the respondent Police and his team were on routine rounds, they noticed four persons namely Vijay, Devit, Anbu and Saga @ Srinivasan were trying to bury four knives in the ground and on seeing the Police, they escaped from the place of occurrence and on searching the places, the respondent recovered the knives and three pieces of deer horns. Later, based on arrest and the confession given by one of the accused Anbu, it came to light that the accused had conspired along with the petitioner and indulged in the offences to do away with one PPGD Shankar and Ponthur Mohan. Based on which, the petitioner name was included in Crime No.380 if 2022 registered for the offence under Section 25(1A) of Arms Act, 1959 and Section 9 of the Wild Life (Protection) Act, 1972.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. She would further submit that pursuant to the detention order dated 15.09.2021 passed by the District Collector, Kancheepuram, the petitioner was inside the prison during the relevant point of time. She would also submit that the petitioner has not been taken for police custody for interrogation and there is no material as against the petitioner other than the confession statement given by one of the co-accused. The learned counsel would also submit that the petitioner was roped in the case, only to keep him in continued detention. Hence, she prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent would submit that four dangerous weapon and three pieces of deer horns were recovered and based on the confession statement given by the co-accused, it reveals that the petitioner while he was in prison, conspired along with the other accused to do away with two persons and they have also planned to indulge in criminal activities. He would further submit that there are 14 previous cases against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Heard both the learned counsels and perused the materials available on record.

6. It is the case of the petitioner that the petitioner has been implicated in this case, based on the confession statement given by one of the co-accused and the case has been foisted on him, while he was in prison. Taking into considerations of the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumbudur, Kancheepuram District**, 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 Sivagangai and report before the Inspector of Police, Sivagangai Town Police Station every day morning at 10.30 a.m. and evening at 5.30 p.m., until further orders;



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[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

06.09.2022

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To

1. The Judicial Magistrate,
Sriperumbudur, Kancheepuram District.
2. The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram.
3. The Central Prison - 2,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Sivagangai Town Police Station, Sivagangai.



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A.D.JAGADISH CHANDIRA., J.

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