



Crl.O.P.No.22441 of 2022

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A.D.JAGADISH CHANDIRA.J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 25(1B)(a), 25(1)(a) and 27(2) of the Arms Act 1959 of IPC in Crime No.52 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Abirami, Village Administrative Officer of Cherangode Village is that on 08.07.2022 on information, the defacto complainant had visited the house of the accused and on the way, she enquired some persons and they have informed that there were cases pending against the petitioner for having manufactured the guns earlier. Thereafter, the defacto complainant had gone to the backyard of the house of the accused where she had found a workshop and she had found an air gun with a sticker "Sports Air Gun" affixed on it and there were also certain iron rods and copper materials available and suspecting that the accused was manufacturing gun illegally, the defacto complainant had given a



complaint, based on which, the present case has been registered.

3.The learned counsel for the petitioner would submit that the petitioner is already facing a case in respect of manufacturing of guns and he has been regularly appearing before the Court and due to certain animosity, the defacto complainant has given a false complaint as if the petitioner was manufacturing guns. The very registration of the FIR would show the malafide attitude of the defacto complainant and the respondent Police against the petitioner. He would submit that even taking into consideration the averments in the FIR, the petitioner cannot be stated to have manufactured guns and certain iron rods and some tubes were also stated to have been taken from the place of occurrence and based on that, a false complaint has been given. He would submit that the petitioner is a permanent resident of Cherambadi and he is prepared to furnish adequate security for his release on bail and to appear before the respondent for investigation. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl side) appearing for the respondent Police would submit that on information, the defacto complainant had visited the house of the petitioner and it was found that the petitioner was making preparation for manufacturing of gun inside a workshop in the backyard of his house. He would further submit that the petitioner has got two previous cases out of which, one is in the State of Kerala. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also of the submissions made by the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Pandalur, Gudalur** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty**



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five thousand only) 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 petitioner 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 petitioner shall report before the respondent police every day at 10.30 a.m and 5.30 p.m., for a period of four weeks and thereafter every Saturday at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]***; and;



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[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

18.10.2022

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Note: Issue order copy on 26.10.2022



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