



Crl.O.P.No.22602 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

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

Crl.O.P.No.22602 of 2022

Balakrishnan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Devala Police Station.

(Crime No.126 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.126 of 2022 on the file of the respondent Police.

For Petitioner : Ms.Thangavadhana Balakrishnan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.22602 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2022 for the alleged offences punishable under Sections 25(1B)(a) & 27(2) of Arms Act, 1959, in Crime No.126 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused hunted the Wild Deer by country made gun and had stored 40 kilograms of Deer meat and in possession of severed Deer head and Deer's skin. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, since, the Deer meat and the country made gun were recovered from the house of the petitioner. She would further submit that the petitioner is a person with 75% of blindness and his right hand is immobilized and that the petitioner has also been issued with disability certificate by an



Crl.O.P.No.22602 of 2022

appropriate authority. She would further submit that the petitioner has been in custody from 03.07.2022 and she would reiterate that since the materials were recovered from the house of the petitioner, he has been implicated in this case. Hence, she prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused had hunted the Wild Deer from the reserve forest and 40 kilograms of Deer meat and the severed Deer head and Deer's skin were recovered from the petitioner's house. He would also submit that the investigation is pending and all the other accused has been arrested and one of the accused has been detained under Act 14. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner is a differentlyabled



Crl.O.P.No.22602 of 2022

person being issued with the disability certificate from the appropriate Authority, this Court is inclined to grant bail to the petitioner.

7. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Pandalur, The Nilgiris** 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 report before the respondent Police everyday at 10.30 a.m., for a period of one week and thereafter, every Saturday at 10.30 a.m., until further orders;

[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



WEB COPY



Crl.O.P.No.22602 of 2022

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]**;

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

21.09.2022

ham

To

1. The Judicial Magistrate,
Pandalur, The Nilgiris.
2. The Inspector of Police,
Devala Police Station.
3. The Sub Jail,
Gudalur, The Nilgiris.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.22602 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.22602 of 2022

21.09.2022