



Crl.O.P.No.23256 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

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

Crl.O.P.No.23256 of 2022

1. Vijay

2. David @ Davidson

... Petitioners

Vs.

State rep by its
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.

(Crime No.380 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail pending investigation in
Crime No.380 of 2022 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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



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ORDER

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

2. The case of the prosecution is that on 26.05.2022, when the respondent police and their team were on their routine rounds, the petitioners along with other accused were found near the house of the first petitioner in a suspicious manner and on enquiry, they seized some knives and Deer antler pieces from them. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are agricultural coolies belonging



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the nearby villages. He would further submit that the respondent Police suspecting that the petitioners are friends of A1/Anbu @ Anbarasan, has falsely implicated them in this case. He would also submit that the petitioners along with other accused were detained under Act 14, pursuant to the order passed by the District Collector and District Magistrate, Kancheepuram District, however, the order has been revoked by the advisory board by G.O.Nos.5542 & 5543 dated 27.08.2022. He would also submit that the co-accused in this case has been granted with bail by this Court in Crl.O.P.No.18252 of 2022 dated 05.08.2022. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners are arrayed as A2 & A3 respectively. He would further submit that the petitioners are associates of A1/Anbu @ Anbarasan. He would also submit that there are three previous cases as against these petitioners. He would also submit that as far as this case is concerned, the petitioners along with the other accused were found in illegal possession of Deer antler pieces and the respondent has seized the



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materials from them. Hence, he vehemently opposed to grant bail to the petitioners.

5. In reply, the learned counsel for the petitioners would submit that as far as the previous cases against the petitioners are concerned, the names of the accused are not found and they were falsely implicated in these cases. He would further submit that the petitioners are natives of Kanchipuram and they are ready to furnish the adequate sureties. He would also submit that the petitioners are in custody from 01.07.2022 and they are prepared to comply with any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioners.

6. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsel and also considering



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the fact that the co-accused has been granted with bail, this Court is inclined to grant bail to the petitioners on certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** each with two sureties (out of which, one surety should be a blood related surety and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sriperumbudur**, 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 petitioners shall report before the Inspector of police, Sriperumbudur Police Station, everyday at 10.30 a.m. and report before the Inspector of Police, Sunguvarchatram Police Station everyday at 5.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



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

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



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A.D.JAGADISH CHANDIRA,J.

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