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Crl.O.P.No.9129 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

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

Crl.O.P.No.9129 of 2023

Vikku@Shanmugam

... Petitioner

Vs.

State Represented by
The Inspector of Police
Ramanathapuram Police Station,
(Crime No.81/2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to grant bail to the petitioner pending investigation in Crime No.81
of 2023 on the file of the respondent herein.

For Petitioner : Mr.R.Radha Pandian

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 23.03.2023, for the offences punishable under Sections 25(1B)(b)8(c) of
Arms Act, 1959, in Crime No.81 of 2023 on the file of the respondent
police, seeks bail.



2. The case of the prosecution as per the defacto complainant Vasanthkumar is that the accused had posted a video through their instagram id with prohibited weapons viz., bill hook and knife in such a way of threatening the general public. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has got 7 previous cases against him and only in order to keep him under continued detention, a false case has been foisted against him. He further submitted that the petitioner has not posted the said video and a girl has posted the petitioner's morphed video in her instagram. He also submitted that the petitioner is aged about 27 years and he has been suffering incarceration from 23.03.2023 and that he is ready to abide by any stringent conditions that may be imposed against him. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the the petitioner is a habitual offender against whom there are 7 previous cases



out of which, two cases are for the offence under Section 302 IPC and one case for the offence under 307 IPC.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner is aged only about 27 years and that his parents are ready to stand as surety and that the petitioner is also ready to abide by any stringent conditions that may be imposed by this Court.

6. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) and perused the materials available on record including the FIR.

7. Considering the facts and circumstances of the case and the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant of bail to the petitioner with certain conditions.

8. 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, out of which, one surety shall be the**



father or mother of the petitioner, each for a like sum to the satisfaction of the **learned Judicial Magistrate -VI, Coimbatore**, 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 9.00 a.m. and 6.30 p.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 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.

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To

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1. The Judicial Magistrate VI, Coimbatore.
2. The Inspector of Police
Ramanathapuram Police Station.
3. The Superintendent, Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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