



Crl.O.P.No.16723 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Section 25 (1) (a) Arms Act, 1959, in Crime No.143 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. Learned counsel for the petitioner submitted that the allegation in the FIR that four arms were seized from the petitioner's house is totally false. This false case has been filed only to harass the petitioner. Thus, he seeks anticipatory bail for the petitioner.

3. In response, the learned Government Advocate (Crl.Side) submitted that based on the information given by the informant that petitioner was having dangerous weapons in his house in order to threaten the public and to create riot against the Government, respondent police searched the petitioner's house along with police higher officials and V.A.O. On searching the house of the petitioner, Big Veecharuvaal-1, Big Pattakathi-1, Big Pitchuvaakathi-1, Small Pitchuvaakathi-1, were



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seized under the observation mahazar. Further, he submitted that investigation in this case is pending and three criminal cases are pending against the petitioner.

4.When informed about the previous cases pending against the petitioner, the learned counsel for the petitioner submitted that petitioner is prepared to abide by any stringent conditions that is imposed by this Court.

5.In the circumstances stated by the learned counsel appearing for the parties that the arms had been seized before commission of any offence, this Court is of view that custodial interrogation of the petitioner is not necessary and this Court is inclined to grant anticipatory bail to the petitioner. Therefore, 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, Sirkazhi**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five**



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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 everyday morning at 10.30 a.m. and evening at 5.00 p.m. until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take



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

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