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Crl.O.P.No.18277 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.18277 of 2023

Ragupathi

...Petitioner

Vs.

State rep by, The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
(Crime No.393 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail pending investigation in crime No.393 of 2023 on the file of the Inspector of Police, Pernambut Police Station, Pernambut, Vellore District.

For Petitioner : Mr.G.Vinodhkumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.07.2023 for the offences punishable under Sections 25(1)(a) of Arms Act 1959 in Crime No.393 of 2023 on the file of the respondent police, seeks bail.



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2. It is the submission of the learned counsel for the petitioner that petitioner is falsely implicated in this case in Crime No.393 of 2023 registered for the offence under Sections 25(1)(a) of Arms Act 1959. The petitioner is in custody from 14.07.2023. Thus, he prays for grant of bail.

3. In response, the learned Additional Public Prosecutor submitted that, *de-facto* complainant along with police mounted surveillance to curb illicit arrack related offences near Kondampalli village. They found two persons at the land of one Ranganathan. On seeing police, one accused escaped. Police apprehended one Ragupathi and found that he was in possession of one country made gun broken into two pieces and another country made gun. He informed them that they were handed over to him by Chinnarasu. Petitioner had no license to possess these country made guns. Therefore, guns were seized and he was arrested.

4. Considered the rival submissions and perused the records of the case.

5. When queried, learned Additional Public Prosecutor on



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instructions submitted that, petitioner has no criminal antecedent. Out of the two guns, one was seized with broken condition, while the other one was seized intact.

6. In view of the seizure of guns and the fact that petitioner is in judicial custody from 14.07.2023 and that material part of the investigation might have been over in this case, this Court is inclined to grant bail to the petitioner and 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, Gudiyatham**, 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 daily at 10.30.a.m., until further orders.



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

10.08.2023

mpl

To

- 1.The Judicial Magistrate, Gudiyatham.
- 2.The Central Prison, Vellore.
- 3.The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.

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