



CrI.O.P.No.26833 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.26833 of 2023

Arunkumar,
S/o.Chandirasekaran

...Petitioner

Vs.

The State rep. by
The Inspector of Police,
Virudhachalam Police Station,
Cuddalore.

(Crime No.435 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.435 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner/A8 seeks bail in Crime No.435 of 2023, registered by the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 324, 307 of IPC r/w 25(1B)(a), 27(1) of Arms Act r/w 3(1) of TNPPDL Act. He had been arrested and remanded into judicial custody on 09.09.2023.

2.It is stated by the learned counsel for the petitioner that the petitioner's name is not found in the FIR and that he is only a friend of the one of the accused. He further stated that the petitioner is not directly involved in the said offence. However, it is stated on behalf of the respondent that the weapon, which was used to commit the offence under Section 307 of IPC was a gun and that was kept in the house of the petitioner herein and therefore, it is stated that the petitioner had knowledge about the weapon, and that it would be used for committing some offence.

3.The previous bail application came up for consideration on 18.10.2023 in Crl.O.P.No.24070 of 2023 and this Court had dismissed the same.



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4.The learned counsel for the petitioner stated that the petitioner is an Engineering graduate and states that the gun was kept in his house but he did not even had time to go over and report about the same.

5.On the side of the respondent it is however stated that the petitioner was in possession of the said weapon even before the occurrence and after the occurrence with respect to an incident.

6.It is stated that with respect to the Court, the main accused, who had procured the gun from Bihar and who had paid the money to procure the gun had been arrested.

7.Taking that factor into consideration and that further investigation has been conducted, after the dismissal of the earlier bail application, that is a change in circumstance, I am inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Virudhachalam and on further conditions that :-



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[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioner shall report before the respondent police everyday 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 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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To

1. The Judicial Magistrate No.I, Virudhachalam
2. The Central Prison, Cuddalore.
- 3.The Inspector of Police,
Virudhachalam Police Station,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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