



CrI.O.P.No.27784 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 25(1B)(a) of ARMS Act, 1959 in Crime No.537 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that on 06.09.2023, the respondent police found the petitioner along with other accused in the possession of one country made Gun without valid license. The petitioner however escaped from the place. Hence the case.

3.The learned counsel for the petitioner submitted that the petitioner is innocent. He has been falsely implicated in this case. Hence, he sought for grant of anticipatory bail to the petitioner.

4.The earlier petition seeking anticipatory bail was dismissed on 07.11.2023.

5.It is stated that there are several cases under the Tamil Nadu



Prohibition Act, pending against the petitioner and the family members.

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6.The learned counsel for the petitioner stated the petitioner is however innocent of possession of the country made gun.

7.The respondent have also not taken any steps.

8.Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner herein.

9. Accordingly, 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 No.II, Kallakurichi, on condition that the petitioner shall execute 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 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 daily at 10.30 a.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 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.

13.12.2023

smv

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