



WEB COPY



CrI.O.P.No.29157 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29157 of 2023

1.Praveen S/o.Muthu

2.Nareshkumar S/o.Loganathan

...Petitioners/Accused

Vs.

State Represented by,

The Inspector Police,

T-16, Nazarathpet Police,

Tiruvallore District.

(Crime No.325 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in Crime No.325 of 2023 on the file of T-16, Nazarathpet Police, Tiruvallore District.

For Petitioners : Mr.M.Prabhakar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners seek bail in Crime No.325 of 2023 on the file of respondent police for the offences punishable under Section 353 Indian



CrI.O.P.No.29157 of 2023

Penal Code, and Section 25(IA) of Arms Act, 1959. The petitioners were arrested and remanded to custody on 15.11.2023.

2. The case of the prosecution is that on 15.11.2023 at about 5.30 p.m., at Bangalore National Highway, in a routing vehicle checkup by the respondent, the petitioners were found in possession of 9mm pistol with two bullets. Hence, the case.

3. Learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely roped in this case. He further submitted that the petitioners are ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioners.

4. Learned Additional Public Prosecutor submitted that the petitioners were found in possession of 9mm pistol with two bullets. She further submitted that there is no previous case against the petitioners and the property has been seized from the petitioners. However, she



CrI.O.P.No.29157 of 2023

vehemently opposed to grant bail to the petitioners.

5. Considering the fact that there is no previous case pending against the petitioners and the property has been recovered and also considering the number of days of incarceration of the petitioners, I am inclined to grant bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I at Poonamallee, 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 cards or Bank pass Books to ensure their identity;

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m. until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during



CrI.O.P.No.29157 of 2023

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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

29.12.2023

veda/ata



WEB COPY



CrI.O.P.No.29157 of 2023

To

- 1.The Judicial Magistrate No.I,
Poonamallee.
- 2.The Central Prison,
Puzhal.
- 3.The Inspector Police,
T-16, Nazarathpet Police,
Tiruvallore District,
- 4.The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29157 of 2023

P.DHANABAL, J.

ata/veda

Crl.O.P.No.29157 of 2023

29.12.2023