



Crl.O.P.No.4666 of 2024

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.325 of 2023 registered by the respondent Police for the offences punishable under Sections 353 of IPC and 25(1A) of Arms Act, 1959.

2.It is the case of the prosecution that the respondent on a routine vehicle checkup had intercepted a white colour Mahindra Car bearing Registration No.TN-22-DE-7175 coming from Bangalore and when the car was directed to be stopped, it was driven in a zigzag manner. However, the vehicle was stopped and one person escaped and three others were arrested. During search, one 9 mm pistol with two bullets were found.

3.The learned counsel for the petitioner stated that A1 and A2 had been arrested and later, granted bail.

4.However, on the side of the respondent, it is stated that A1 to A3 were involved in yet another case under Section 302 IPC wherein a bomb was also thrown and a pistol was also used. It is stated that the investigation revealed that this pistol was used in the earlier offence and the petitioner is the owner of the car. It is also stated that he was driving the car.



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5. The learned counsel for the petitioner stated that the petitioner is innocent of the offences. It is also stated that A3, who is involved in the earlier offence under Section 302 IPC is the brother of the petitioner and this petitioner is a student.

6. The earlier application seeking anticipatory bail dismissed on 24.01.2024 in CrI.O.P.No.26680 of 2023. A status report had been filed by the respondent wherein, it had been stated that the respondent had examined and recorded the statement of 11 witnesses. Thereafter, the seized materials had also been produced before the Judicial Magistrate No.I, Poonamalee.

7. It is to be noted that the accused had been arrested and had been granted bail. The main fact against this petitioner is, the car stands in the name of this petitioner.

8. The learned counsel stated that It is only the reason that the petitioner had implicated as an accused.

9. However, taking all the other factors into consideration and that there are no previous cases as against the petitioner herein and since bail had been granted and the accused had been arrested, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their



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appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.I, Poonamalee**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 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.



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[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 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.

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