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Crl.O.P.No.24873 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.24873 of 2024

Brammamorthy @ Moorthy

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Shevapet Police Station,
Salem District.
(Crime No. 310 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.310 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.09.2024, for the alleged offence punishable under Section 132 of BNS
r/w Section 25(1A) of Indian Arms Act, 1959 in Crime No.310 of 2024, on



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the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 02.09.2024 at about 6.00 p.m, when the defacto complainant and his police officials were conducting a vehicle checkup, they stopped a car bearing Reg.No.TN-57-AK-0005, at that time, the petitioner did not stop the car, after chasing the petitioner was found in illegal possession of veecharuvals in the car. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that there are totally two accused in this case and the petitioner herein is arrayed as A1. He further submit on the date of the alleged occurrence, when the defacto complainant was in



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vehicle checkup, he found that the petitioner was in illegal possession of veecharuvals in his car. He further submit that the petitioner has 40 previous cases, out of which, 15 cases have been quashed and 5 cases are ended in acquittal. However, opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence charged against the petitioner, considering the period of incarceration undergone by the petitioner, and though the petitioner has many previous cases, some of the cases ended in acquittal and some of the cases were quashed by this Court, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. 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.III, Salem, and on further conditions that:-



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[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days, for a period of 30 days and thereafter as and when required for interrogation.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[d] the Petitioner shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Judicial 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]; and



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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drl

To

- 1.The Judicial Magistrate No.III,
Salem.
- 2.The Inspector of Police,
Shevapeti Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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