



WEB COPY



Crl.O.P.No.28316 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28316 of 2024

Murugesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
(Crime No.173 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.173 of 2024, pending investigation on the file of the respondent police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 18.10.2024, seeking bail in Crime No.173 of 2024 registered for the offence under Sections 110 of BNS Act and 25(1-B) (a) of Arms Act.



Crl.O.P.No.28316 of 2024

2. The case of the prosecution is that petitioner caused injury to the defacto complainant using a un-licensed country gun. Hence, the case.

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 also submitted that the petitioner is a farmer and he is having a wooden gun, accidentally it was bursted. He further submitted that petitioner has no previous cases and he is in custody from 18.10.2024 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police would submit that petitioner have kept the un-licensed gun in his farm land, when the defacto complainant stepped on the rope, the gun has fired. He further submits that petitioner has no bad antecedents. However, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.



Crl.O.P.No.28316 of 2024

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Sendamangalam**, 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 card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily evening at 6.30.p.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



Crl.O.P.No.28316 of 2024

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 269 B.N.S.

13.11.2024

dsn



Crl.O.P.No.28316 of 2024

WEB COPY

To

1. The Judicial Magistrate,
Sendamangalam.
2. The Inspector of Police,
Erumapatty Police Station,
Namakkal District.
3. The Superintendent, Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.28316 of 2024

A.D.JAGADISH CHANDIRA.,J.

dsn

Crl.O.P.No.28316 of 2024

13.11.2024