

Crl.O.P.No.28499 of 2024

A.D.JAGADISH CHANDIRA, J.

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3, 25(IB)(a) of Arms Act r/w Section 351(3) of BNS, 2023 in Crime No.610 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 22.10.2024, the petitioners along with the other accused went inside the forest and attempted to hunt the forest animals. Upon seeing the police, they dropped the unlicensed country-made gun, explosive substances and knife and then absconded. Hence, the complaint.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners would submit that, the petitioners along with other accused were found in possession of country-made gun, explosive substances and knife and attempted to hunt the forest animals. He would further submit that there is one previous NDPS case pending as against the first petitioner/A2 and no previous case pending as against the second petitioner/A3.

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

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Sathyamangalam**, on condition that the petitioners shall execute a separate 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 Petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] **the Petitioners shall appear before the respondent police everyday at 10.30 a.m., until further orders;**

[c] the Petitioners shall not tamper with evidence or witness during trial;

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[d] the Petitioners shall not abscond either during 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 269 of BNS.

25.11.2024

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