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CrI.O.P.No.28713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.28713 of 2023

J.Sunil

...Petitioner/Accused-2

Vs.

State Represented by,
The Inspector Police,
T-16, Nazarethpet Police Station,
Tiruvallur District.

(Crime No.325 of 2023)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail pending investigation in Crime
No.325 of 2023 on the file of respondent, on such terms and conditions.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)

ORDER

The Petitioner/A2 seeks bail in Crime No.325 of 2023 on the file
of respondent police for the offences punishable under Section 353 of
IPC and Section 25(1A) of Arms Act, 1959.



Crl.O.P.No.28713 of 2023

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

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

4. The learned Government Advocate (Crl. Side) for the respondent submitted that the Petitioner was found in possession of 9mm pistol with two bullets. He further submitted that there is no previous case against the Petitioner and the property has been seized from the Petitioner. However, He vehemently opposed to grant bail to the Petitioner.



CrI.O.P.No.28713 of 2023

WEB COPY

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

6. 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 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 Petitioner shall report before the respondent police everyday at 10.30 a.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;



CrI.O.P.No.28713 of 2023

[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 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 229A IPC.

08.02.2024

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CrI.O.P.No.28713 of 2023

To

- 1.The Judicial Magistrate No.I,
Poonamallee.
- 2.The Sub-jail, Poonamallee.
- 3.The Inspector Police,
T-16, Nazarethpet Police Station,
Tiruvallur District.
- 4.The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



WEB COPY



CrI.O.P.No.28713 of 2023

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CrI.O.P.No.28713 of 2023

08.02.2024