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Crl.O.P.No.31600 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM

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

Crl.O.P.No.31600 of 2024

Starif Khan

... Petitioner

Vs.

State rep. by

Inspector of Police

Town Police Station

Erode. (Crime No.242 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending investigation in Crime No.242 of 2024 on the file of the respondent Police.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

Petition seeking bail in respect of Crime No.242 of 2024 registered for the offence punishable under Sections 25(1A) of Arms Act is on board for consideration.

2.The incarceration of the petitioner being from 10.10.2024 pleading



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innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that other than accompanying the first accused, the petitioner has not committed any offence. He also submits that even as per the prosecution the alleged gun belongs to the first accused and not this petitioner. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that on 22.09.2024, the petitioner along with another accused, booked a room at R.R. Lodge, Erode, and stayed there until 24.09.2024. On the evening of the same day, the accused returned and requested another room for bathing, offering Rs. 100/- for the service. After bathing, the accused locked the room and kept the key. The next morning, on 25.09.2024, when the lodge owner opened the room with a spare key, he discovered an old pistol under the pillow and six bullets in the toilet flush tank. He further submits that there are no previous cases against the petitioner.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the



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materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and 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**, (out of which, one surety should be a blood related surety) each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Erode, 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, everyday at 06.30 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 appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on



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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 B.N.S.

18.12.2024

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A.D.JAGADISH CHANDIRA, J.
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To

1.The Judicial Magistrate No.II,
Erode

2.The Inspector of Police,
Town Police Station
Erode.

3.The Superintendent,
Central Prison,
Coimbatore.

4.The Public Prosecutor,
High Court of Madras.

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