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Crl.O.P.No.12897 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12897 of 2025

Mahalingam

Petitioner(s)

Vs

The State Represented by,
The Inspector of Police,
Vennandur Police Station,
Namakkal District.
(Crime No.329 of 2008)

Respondent(s)

For Petitioner(s) : Mr.T.Dhasarathan

For Respondent(s) : Mr.R.Balaji,
Government Advocate (Crl.Side)

PRAYER To enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.329 of 2008 on the file of the Respondent.

ORDER

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 336, 337 of IPC r/w 25(1)(A) of Arms Act, in Crime No.329 of 2008, on the file of the respondent Police, seeks anticipatory bail.



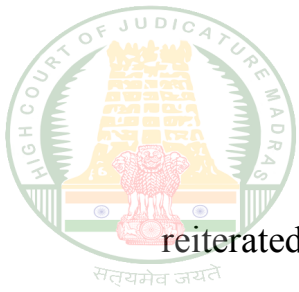
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2. The case of the prosecution is that on 02.09.2008, the first accused and the second accused, while driving a two-wheeler, were in possession of a gun, triggered it and caused injuries to the defacto complainant; that the respondent filed a final report on 03.09.2008; that the defacto complainant died eight months after the occurrence, that the defacto complainant's son filed a petition in Crl.OP.No.2113 of 2017 before this Court seeking re-investigation; that this Court by the order dated 08.10.2021, directed a re-investigation and that in the re-investigation it was revealed that the petitioner who had a valid license to possess the gun had unauthorisedly handed over the weapon to A1. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the allegations are false; that the petitioner is aged about 77 years; that he was not an accused initially in the abovesaid case; that he was implicated based on the confession of the co-accused; that even according to the prosecution, the co-accused had accidentally triggered the gun and in any case, the custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners,



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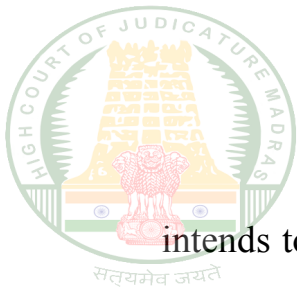
reiterated the prosecution case and confirms the above said fact.

WEB COPY 5. Heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

6. On perusal of records, it is seen that the petitioner is aged about 77 years. The petitioner was not an accused in the first final report. He is sought to be implicated based on the confession of the co-accused. The petitioner had a valid license to possess the gun.

7. Considering the aforesaid facts, the age of the petitioner and since the custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Rasipuram, Namakkal District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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

WEB COPY which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and 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 once in a week, at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 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]*;



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

drl

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To

1. The Inspector of Police,
Vennandur Police Station,
Namakkal District.

2. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN J.

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