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Crl. O.P. No.15082 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM:

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15082 of 2025

E. Mani S/o. Elumalai

... Petitioner

Vs.

State Rep. by -

The Sub-Inspector of Police,
Tiruvannamalai West Police Station,
Tiruvannamalai.
(Crime No.103 of 2025).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in
Crime No.103 of 2025, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B. Jawahar

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

ORDER

This Criminal Original Petition has been filed by the petitioner/accused, who was arrested and remanded to judicial custody on 03.05.2025, seeking bail in Crime No.103 of 2025 registered for the offences under Section 25(1B)(a) of Arms Act, 1959 and Section 9(B)(1)(b) of the Indian Explosives Act, 1884.



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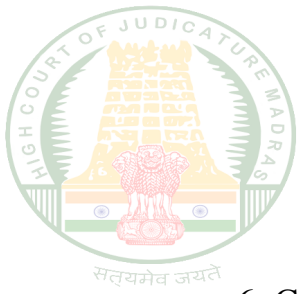
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2. The case of the prosecution is that the petitioner was found in possession of country made gun without any license.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner has been falsely implicated in this case and he is an innocent. He has nothing to do with the commission of offences. According to the petitioner, he belongs to Vettaikaran community and the country made gun is there for generations, which has not been put to use and it is not in a working condition. He further submitted that the petitioner is ready to abide by any stringent condition 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 reiterated the prosecution case and further submitted that the investigation is still pending.

5. Heard both sides and perused the materials available on record.



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6. Considering the facts and circumstances of the case, the submission made by the learned counsel appearing on either side, nature of offences, considering the fact that the contraband was seized and the period of incarceration suffered 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-II, Tiruvannamalai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of 2 weeks and thereafter, as and when required for further interrogation.

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;



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[d] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;

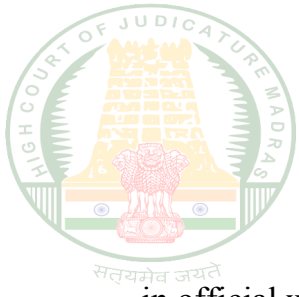
[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

16.05.2025

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Note:- 1. Registry is directed to forthwith upload this order in the official website of this Court.

2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded



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in official website of this Court will be watermarked and will also have a QR code.

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M.NIRMAL KUMAR, J.

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To

1. The Judicial Magistrate-II, Tiruvannamalai.
2. The Sub-Inspector of Police,
Tiruvannamalai West Police Station,
Tiruvannamalai.
3. The Sub Jail, Tiruvannamalai.
4. The Public Prosecutor,
High Court of Madras.

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