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Crl.OP.No.27412 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM

THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.27412 of 2025

1. Sivaji
2. Kamaraj

... Petitioners

Vs.

The State Rep by
Sub Inspector of Police,
Adhamangalam Pudur Police Station,
Thiruvannamalai District.
(Cr.No.83 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Cr.No.83 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mrs.S.Valarmathi
for Mr.E.Sathiyaraj

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER



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The petitioners, who were arrested and remanded to judicial custody on 18.09.2025 for the alleged offence under Section 25(1A) of Arms Act in Crime No.83 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners were found in their possession of two country made gun. Hence, the present case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are residing near forest area and for self protection, they are having gun and it is not used for any purpose. He further submitted the the petitioners were in custody from 18.09. 2025. Hence, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and reported that there is no previous cases against the petitioners and the country made guns were recovered. However, he opposed to grant bail to the petitioners.

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 submissions made by both counsel, there is no previous case against the petitioners, the country made guns were recovered from the petitioners and the period of incarceration, I am inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing bonds for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif-Cum-Judicial Magistrate, Kalasapakkam, 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



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respondent police a period of two weeks and thereafter as and when required for interrogation;

[c] 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]**;

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

08.10.2025

Vv

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

To

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1. The District Munsif-Cum-Judicial Magistrate,
Kalasapakkam, Tiruvannamalai
2. The Sub Inspector of Police,
Adhamangalam Pudur Police Station,
Tiruvannamalai District.
3. The Sub Jail, Polur,
Tiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.

K.RAJASEKAR, J.



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