



IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge**

Friday, the 21st day of July, 2023

CrI.M.P.Nos. 17463 and 17464 / 2023

in

P-1 Pulianthope P.S. Crime No. 256/2023

Sonaram Gurjar

.. Petitioner/Accused.
in CrI.M.P.No.17463/2023

Mohd Kashif

.. Petitioner/Accused
in CrI.M.P.No.17464/2023

Vs.

State Rep. by
The Inspector of Police,
P-1 Pulianthope Police Station,
Chennai.

..Respondent/Complainant.
in both the petitions

The above petitions are coming on this day before me for hearing in the presence of M/s. C. Kumaravelu, M. Suresh, Counsel for the petitioner in CrI.M.P.No.17463/2023 and of M/s.A. Sathya, Counsel for the petitioner in CrI.M.P.No. 17564/2023 and of CPP for respondent and upon hearing them, this Court delivered the following:

COMMON ORDER

1. The petitioners, who were arrested on 28.6.2023 for the offences punishable under Section 25(1-A), of Arms Act 1959 and u/s. 109, 115, 120-B IPC in Crime No. 256/2023 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioners in both the petitions submits that the petitioners are innocent of the offence. It is alleged in the complaint that these petitioners were found in possession of country pistol while vehicle check conducted by the respondent police. The petitioners have been falsely implicated in this case. Without proper enquiry, the respondent police implicated them in this case. Co-accused A4 to A6

were already granted bail by this court. The petitioners are in custody from 28.6.2023. Hence, prays for granting bail.

4. On the other hand, learned CPP submits that on 28.6.2023, the Sub-Inspector of police attached to P-1 Pulianthope Police station lodged a complaint stating that on 28.6.2023, when they were at vehicle check near Perambur Barracks Road and Kohinoor Hotel junction these petitioners came in a two wheeler and two persons came in a Scooter were waylaid and on enquiry and search, the police seized 2 country made guns with 5 rounds bullets from A1 Mukesh Gurjar and on enquiry, A1 revealed that A4 Mahipal Singh's daughter was eloped with one Pavesh to Rajasthan and therefore, A4 wanted to do away the said Pavesh and engaged these petitioners to eliminate him for which they demanded Rs.5 lakhs from A4 Mahipal Singh and received Rs.1 lakh as initial payment and went to Rajasthan. But, the said Pavesh returned to Chennai. Since they could not murder Pavesh in Rajasthan, they decided to murder him at Chennai after receiving the balance amount of Rs.4 lakhs from A4 and as per their plan they were going in their two wheeler with deadly weapons and at that time, the police intercepted them and arrested. From A1 to A3, the police seized 2 nos. of Pistol, 5 bullets mobile phone and a two wheeler. These petitioners hail from Uttar Pradesh and Rajasthan. If they are released on bail, chances for absconding is more. Investigation is still pending. Hence, he objects the grant of bail.

5. The allegation against the petitioners is that these petitioners were engaged as hooligans by A4 to eliminate one Pavesh since his daughter eloped with him to Rajasthan. When these petitioners came in a two wheeler with pistol and guns, they were intercepted by the police and the deadly weapons were seized from them. Co-accused A4 to A6 were already granted bail by this court on 4.7.2023 since they are not present at the scene of occurrence and no weapons have been recovered from them. Whereas, two country gun and 5 bullets were recovered from these petitioners during vehicle check by the respondent police. The possession of deadly weapons is not properly explained by the petitioners. Therefore, these petitioners cannot claim parity with co-accused who were granted bail by this court. These petitioners' earlier bail application was dismissed on 12.7.2023. No change in circumstances was reported. Investigation is still going on. The

petitioners are hails from Rajasthan. If they are released on bail, it will be very difficult to secure them again. In the above said circumstances, this court is not inclined to grant bail to the petitioners.

6. Hence, both the petitions are dismissed.

Delivered by me in open court today.

S ALLI

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ALLI
Date: 2023.07.21
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Principal Sessions Judge