



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20423 of 2018

1 KARUPPASAMY @ SENTHILAN
2 KARUPPASAMY

... PETITIONERS/ ACCUSED 2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT.
IN CRIME NO.244 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.P.KALAIYARASI BHARATHI Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

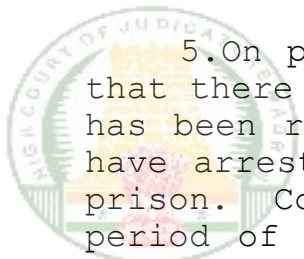
ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 04.09.2018 for the offences punishable under Section 4(b) of Explosive Substances Act, 1908, in Crime No.244 of 2018, on the file of the respondent police, seek bail.

2. The case of the prosecution is that 04.09.2018, during the usual ride by the respondent police, they found the petitioners along with 3 other accused persons with 5 country made bombs for the purpose of hunting the forest animals. Hence, they registered the case.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners are arrayed as A2 and A3. They were found along with the prime accused and the petitioners had nothing to do with the alleged seizure which is said to have been made from the prime accused namely A1. The petitioners submit that since the petitioners were found with A1, they have been falsely implicated in the above case.

4. The learned Government Advocate (Crl. Side) would submit that A1 is the prime accused in this case who has got bad antecedents. The petitioners are involved in Crime No.243 of 2018.



5. On perusal of the F.I.R. in Crime No.243 of 2018, it is seen that there are no discrepancies against the petitioners and the same has been registered against some unknown persons. The petitioners have been arrested on 04.09.2018 and more than 75 days he is inside the prison. Considering the facts and circumstances of the case and the period of incarceration, this Court inclined to grant bail to the petitioners.

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6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Shencottai, and on further condition that:

[a] the petitioners shall report before the respondent police twice on daily at 10.30 am and 4.00 p.m. until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

15/11/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, SHENCOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYMKOTTAI.
4. THE INSPECTOR OF POLICE,
PULIYARAI POLICE STATION, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.P.SARAVANA KUMAR, Advocate SR.No.21635

ORDER IN

CRL OP(MD) No.20423 of 2018

Date :15/11/2018

MS/MMS/SAR-1/15.11.2018/2P.7C