



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1671 of 2019

1 SALIM @ KRISHNAMOORTHY

2 VINOTH @ VINO

... PETITIONERS/ ACCUSED
Nos. 1 and 2

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
PATTESWARAM POLICE STATION,
THANJAVUR DISTRICT.
Crime No.273 of 2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.B.JAMEEL ARASU 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 :-

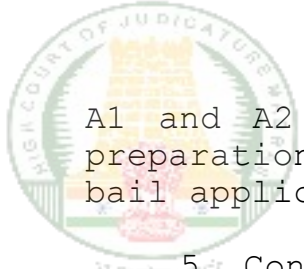
The petitioners were arrested and remanded to judicial custody since 30.12.2018 for the offences punishable under Section 399 of I.P.C. and 4(a) of Explosive Substance Act, in Crime No.273 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 29.12.2018 the petitioners and others are said to have made preparation to commit robbery. On receipt of such information, the respondent police officials came to the occurrence place and arrested the accused persons and thereafter searched the gunny bags wherein it was found that there are three bombs, which were recovered from the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(criminal side) would submit that there are six accused in this case and the the petitioners are



A1 and A2 and the petitioners and others are said to have made preparation to commit dacoity by using Country Bombs. Hence this bail application may be dismissed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners.

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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakkonam, Thanjavur District and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m and 05.30 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/-
01/02/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO II,
KUMBAKKONAM, THANJAVUR DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKKONAM.



3. THE INSPECTOR OF POLICE,
PATTESWARAM POLICE STATION,
THANJAVUR DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.2122

ORDER

IN

CRL OP(MD) No.1671 of 2019

Date :01/02/2019

TK/PN/SAR-4/01.02.2019/3P/7C