



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1688 of 2019

1 ARUMUGARAJA
2 CHELLAPANDI
3 VELMURUGAN @ SULLAN

... PETITIONERS/ ACCUSED No. 3,5 & 7

Vs

STATE BY
THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION,
TIRUNELVELI.
(CRIME NO.5 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.P.SAMUEL GUNASINGH Advocate

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

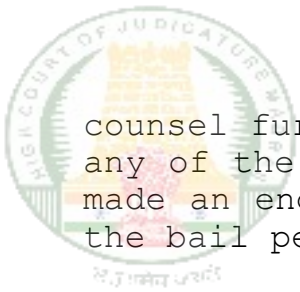
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners were arrested and remanded to judicial custody since 04.01.2019 for the offences punishable under Sections 144 and 120(B) of IPC and under Section 5 of Explosives Substances Act, 1908 and Section 25 (1A) of Arms Act in Crime No.5 of 2019 on the file of the respondent police. They seek bail.

2.The case of the prosecution is that on 04.01.2019 the petitioners joined together with other accused in the house of A1 and entered into the criminal conspiracy to cause murder of the other community leaders on the memorial day of their leader. On secret information, the Law Enforcing Agency has entered into the house of A1 and found the country made bombs and aruval, for which the case has been registered by the respondent police.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and the co-accused, A2, A4 and A6 have released on bail. Accordingly, they prayed for bail. The learned



counsel further contended that the petitioners are ready to abide by any of the conditions that is to be imposed by this Court. He also made an endorsement to permit the first petitioner / A3 to withdraw the bail petition.

4. The learned Government Advocate (Crl.Side) would submit that there are 6 previous cases pending against A5 and 5 previous cases are pending against A7. Hence, in the event of the petitioners being enlarged on bail, stringent conditions may be imposed on them.

5. Considering the facts and circumstances of the case in respect of the first petitioner / A3, the bail application is dismissed as withdrawn and also considering the period of incarceration of the petitioners 2 and 3 / A5 & A7, this Court is inclined to grant bail to the petitioners 2 and 3 / A5 & A7.

6. Accordingly, the petitioners 2 and 3 / A5 and A7 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Tirunelveli, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 and 3 shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

06/02/2019

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE NO IV,
TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE,
THATCHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE SUPERINTENDENT, CENTRAL JAIL,
PALAYAMKOTTAI

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

+1. CC to MR.P.SAMUEL GUNASINGH Advocate SR.No.2463

ORDER

IN

CRL OP(MD) No.1688 of 2019

Date :06/02/2019

MSI/PN/SAR-IV/06.02.2019-3P/7C