

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

Thursday, the Sixth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.6813 of 2019

1 BOOPALAN

2 SURESH

... PETITIONERS / ACCUSED NOS.2 & 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.
CRIME NO.193 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.BOOPATHI PANDIYAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petition has been filed by Accused Nos.2 and 4 seeking bail for the alleged offence punishable under Section 4 of the Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992, Sections 3 and 5 of the Explosive Substances Act, 1908 and 307 of IPC, in Crime No.193 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are in custody from 10.04.2019. He further submitted that already the Sessions Court has granted bail to Accused Nos.3 and 5. He further submitted that the injured was already discharged from the hospital and therefore, he prayed to grant of bail to the petitioners.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally five accused persons have involved in this case and all the five accused persons were arrested and remanded to judicial custody from 10.04.2019. He

further submitted that the investigation is still pending and hence, he strongly opposed this petition. However, he fairly conceded that the injured was already discharged from the hospital on 27.05.2019 itself and the Sessions Court granted bail to the Accused Nos.3 and 5.

5. Taking into consideration of the fact that the injured was already discharged from the hospital and also the fact that the Sessions Court granted bail to the Accused Nos.3 and 5 and also the fact that the petitioners are in custody from 10.04.2019, this Court is inclined to grant bail to the petitioners by imposing conditions.

[a] 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 No.6, Madurai.

[b] the petitioners shall report before the respondent police daily at 10.00.a.m for a period of one month and thereafter, as and when required for the interrogation.

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

[d] the petitioners shall not tamper with evidence or witness 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 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].

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

sd/-

06/06/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.6,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

3 THE INSPECTOR OF POLICE,
NAGAMALAIPUDUKKOTTAI POLICE STATION,
MADURAI DISTRICT.

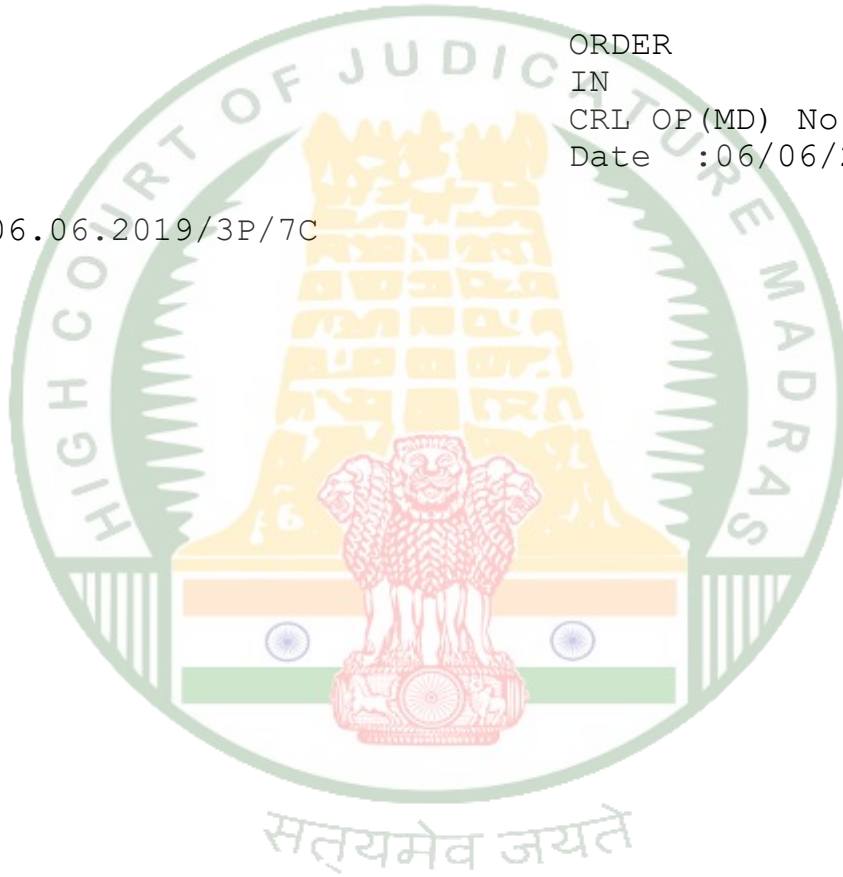
4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to M/S.M.BOOPATHI PANDIYAN Advocate SR.No. 9145

ORDER
IN
CRL OP (MD) No.6813 of 2019
Date :06/06/2019

JM/VR/SAR 1/06.06.2019/3P/7C



WEB COPY