

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11708 of 2019

1.K.Karmegam
2.K.Kanagaraj

.... Petitioners/Accused
No.2 and 3

Vs

State through
The Inspector of Police,
Thondi Police Station,
Ramanathapuram District.
Crime No.145 of 2019

... Respondent/Complainant

For Petitioners : M/s.K.Ramanathan, Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.145 of 2019 on the file of the respondent

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-2 and 3 seeking bail for the alleged offence under Sections 5(a) of Explosive Substances (Amendment) Act, 1908.

2. Heard both sides

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 11.08.2019 and from that onwards they are in custody. He further submitted that as per the First Information Report, the petitioners were using the gun powder only for fishing in the sea and the properties were recovered. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners along with other have allegedly possessed explosive substances of 125gram of dynamite gun powder with 11 tunes and detonators numbers in 21 and 2 numbers of G.P.D.2 head lights and four match boxes and cotton thread numbers in two, which were prohibited. Hence he strongly opposed to grant bail to the petitioners. However he fairly conceded that no previous case is pending against the petitioners and the entire properties used for catching fish has been recovered.

5. Taking into consideration all the allegations made against the petitioners that they were in possession of gun powder and detonators for fishing purpose only and also the fact that the petitioners are in custody for the past 12 days and also considering the fact that no previous case is pending against the petitioners and also the fact that the entire properties used for catching fish has been recovered, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his 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 District Munsif cum Judicial Magistrate, Thiruvadanai, Ramanathapuram District

[b] the petitioners shall report before the Respondent Police, daily at 10.30A.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/-
22/08/2019

/ TRUE COPY /

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

TO

1.THE DISTRICT MUNISF CUM JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.

2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANTHAPURAM.

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

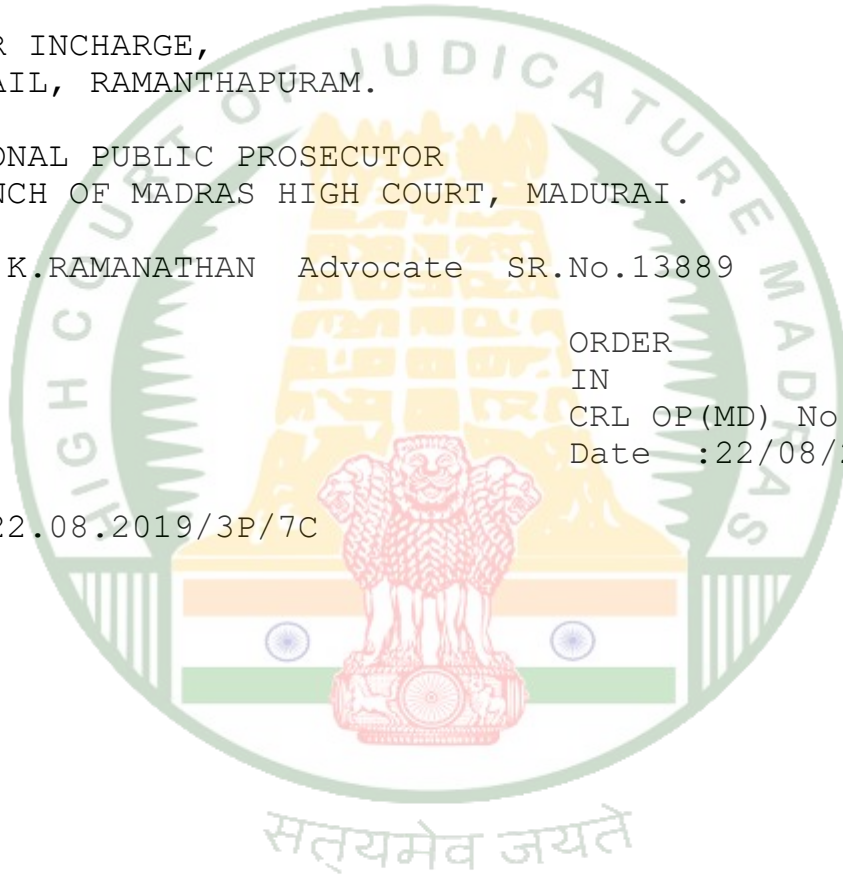
+1. CC to Mr.K.RAMANATHAN Advocate SR.No.13889

ORDER
IN

CRL OP(MD) No.11708 of 2019
Date :22/08/2019

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TK/VR/SAR.3/22.08.2019/3P/7C



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