

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.19294 of 2020

Kanagaraj

... Petitioner

Vs.

State represented by

The Inspector of Police

Needamangalam Police Station,

Tiruvavarur District.

(Crime No.1292 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.1292 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Nagarajan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 18.09.2020 for the offence punishable under Section 4 (a) of Explosive Substances Act, 1908 and 507 of IPC in Crime No.1292 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Veerakumar is that on 18.09.2020, he received a parcel in a courier and it was found to be an explosive substance. The *de facto* complainant had suspected that he had invested in a financial Company viz., Elphin E.Com Private Limited and since the amount was not repaid, he had demanded repayment and thereby, the persons, who were running the finance company, had sent the explosive substances through courier.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in no way connected with the alleged offence. He would submit that the entire case of the *de facto* complainant is only based on suspicion and that the

complaint itself has been falsely made against the finance company to put pressure for repayment. He would submit that similar complaint was given by another person before the Orathanadu Police Station, Thanjavur District and a similar case was registered in Crime No.1770 of 2020 and the petitioner was arrested and later, granted bail by the Madurai Bench of this Court in Crl.O.P (MD).No.13459 of 2020 on 26.11.2020 with a condition to stay at Karur and report before the Karur Police Station daily at 10.30.a.m until further orders. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the *de facto* complainant had invested money in a finance company called Elphin E.Com Private Limited and since he claimed money, the directors of the Company had sent explosive substances through courier. He would submit that the petitioner is a part of the gang, which had sent the explosive substances.

5. At this juncture, the learned counsel for the petitioner would submit that there is no whisper about the petitioner in the complaint.

6. Heard the learned counsel on either side. Perused the FIR.

7. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also the fact that the alleged explosive substance has not exploded and no one got injured and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 District Munsif-cum-Judicial Magistrate Needamangalam, and on further conditions that;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Karur and report before the Karur Town Police Station everyday at 10.30 a.m. until further orders;

(d) the petitioner shall appear before the respondent police as and when required for investigation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/12/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
NEEDAMANGALAM, TIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

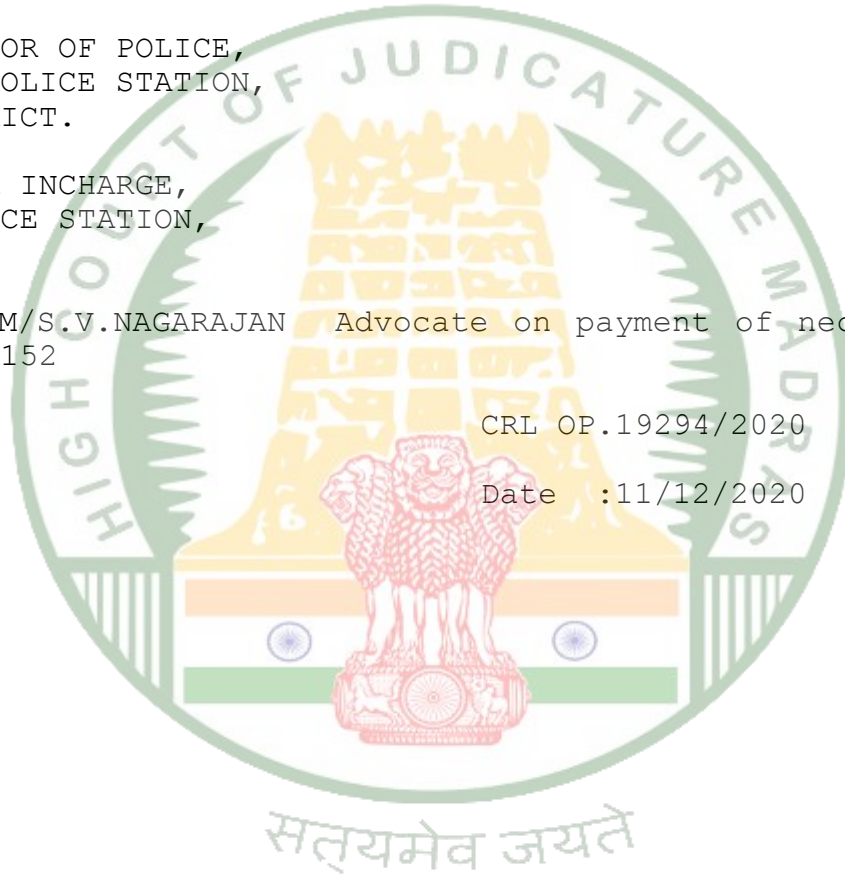
5 THE OFFICER INCHARGE,
KARUR TOWN POLICE STATION,
KARUR.

+1CC to M/S.V.NAGARAJAN Advocate on payment of necessary
charges SR NO.8152

CRL OP.19294/2020

Date :11/12/2020

MK:14/12/2020



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