



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

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.6442 of 2020

WEB COPY

1. M.Thangaraj,
2. G. Vijay,

... Petitioners/Accused No.2&3

Vs

The state rep by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(In Crime No.88 of 2020).

... Respondent/Complainant

For Petitioner : M/s.V.Selvakumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

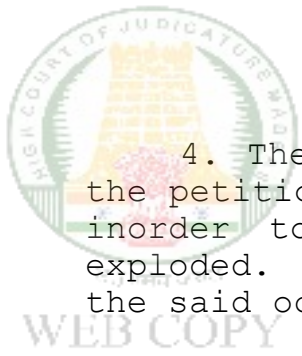
For Bail in Crime No. 88 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners herein were arrested on 10.05.2020 for the alleged offences under Sections 3 and 5 of explosive substances Act @ 3 and 5 of explosives substances Act and 147, 120(b) of IPC.

2. The petitioners herein are arrayed as A2 and A3. The case of the prosecution is that the petitioners along with other accused were found in preparation of country made bomb which exploded. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in the above case. He would also submit that no one sustained injuries in the said occurrence. He would also submit that co-accused in this case namely A1 was released on bail. He would also submit that the petitioners were in jail for more than 90 days and final report not yet filed by the respondent police, hence he seeks



4. The learned Government Advocate(Crl.Side) would submit that the petitioners along with other accused were preparing country bomb in order to commit murder of a political party leader, which exploded. He would also submit that no one sustained injuries in the said occurrence.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that no one sustained injuries in the said occurrence and co- accused namely A1 was released on bail and petitioners were jail for more than 90 days and the final report has not been filed before the concerned court by the respondent police, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Thoothukudi.

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

ii) the petitioners shall report before the respondent police once in a week on every Monday at 10.30 a.m until further orders.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

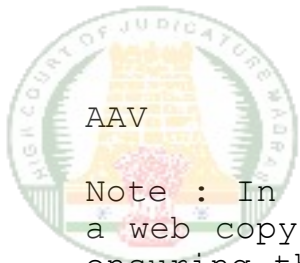
v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

vi) If the petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI.
- 3 THE SUPERINTENDENT, CENTRAL JAIL,
PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6442 of 2020
Date :12/08/2020

KM:AKM-SAR2 (12.08.2020) 3P 6C