



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

Date : 15/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7383 of 2020

1. Devan
2. Rajasekar

... Petitioners/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Thottiyam Police Station,
Thottiyam,
Trichy District.
Crime No. 972 of 2020.

... Respondent/Complainant

For Petitioners : M/s.K.Arunraj,
Advocate.

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

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

PRAYER :-

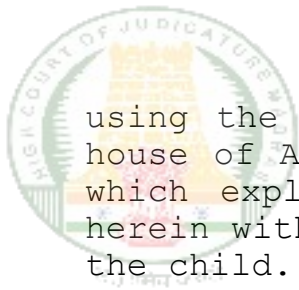
For Bail in Crime No. 972 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A5 and A6 herein were arrested on 18.06.2020 for the alleged offences under Sections 147,286,201,202,304(2) of IPC and Sections 3 and 5 of Explosive Substances Act, 1908.

2. The petitioners herein are arrayed as A5 and A6. The case of the prosecution is that A4 purchased some detonators from A1 and

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using the same for catching fish, and left some detonators in the house of A2 and a small boy aged about 6 years bite the detonators which exploded and he died. A4 with the help of the petitioners herein without informing the same to the police cremated the body of the child. Hence the case has been registered.

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3. The learned counsel for the petitioners would submit that the petitioners herein only helped A1 to cremate the body of the deceased. He would also submit that the petitioners are in jail for nearly 28 days and hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that A4 with the help of the petitioners herein without informing the death of the small boy aged about 6 years to the police officials cremated the body and also thereby screened the evidence which attracts offences under Sections 201 and 202 of IPC. Hence he opposed to grant bail to the petitioners.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioners herein only helped A4 to cremate the body of the small boy and also taking into consideration the period of incarceration and also taking into fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioners 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, Musiri

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 as and when required for interrogation.

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.

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

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,
MUSIRI, TRICHY DISTRICT.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THOTTIYAM POLICE STATION,
THOTTIYAM, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7383 of 2020
Date :15/07/2020

AAV
TE/VR/SAR-III : 15/07/2020 : 3P/6C