



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/07/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7456 of 2020

Gangatharan

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : 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 petitioner/ A1 herein were arrested on 10.06.2020 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 petitioner herein is arrayed as A1. The case of the prosecution is that A4 purchased some detonators from A1 and 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.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the

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above case. He would also submit that the petitioner is in jail for nearly 35 days and hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that similarly placed co- accused in this case were granted bail by this Court. He would also submit that investigation is almost completed.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that similarly placed co- accused in this were granted bail by this Court and also the fact that investigation is almost completed and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 petitioner shall report before the respondent police as and when required for interrogation.

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

iv) the petitioner 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 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].

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

sd/-
16/07/2020

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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.7456 of 2020
Date :16/07/2020

AAV
TE/VR/SAR-II : 16/07/2020 : 3P/6C