



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

Date : 07/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.8280 of 2020

Viji

... Petitioner/A-6

Vs

The State rep. by
The Inspector of Police,
Aravayal Police Station,
Aravayal,
Sivagangai District ,
Cr.No.178 of 2020.

... Respondent/Complainant

For Petitioner : M/s.P.Krishnaveni,
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.178 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A6 herein was arrested and remanded to judicial custody on 25.07.2020 for the alleged offences under Sections 147, 148, 202, 212, 294(b), 324, 427, 506(ii) of IPC and Section 3 of the Explosive Substances Act, 1908.

2. The case of the prosecution is that due to previous enmity between A1 and the defacto complainant A1 to A5 went to the house of the defacto complainant, attacked him and also thrown country bomb into the house of the defacto complainant, in which the defacto complainant's mother is said to have sustained injuries. After the occurrence the main accused namely A1 to A5 went to the Dharmapuri, where the petitioner herein is said to have given shelter to them.



Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would also submit that the petitioner is not aware of the incident and he has only given shelter to the accused persons. He would also submit that the injured was also discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity A1 to A5 in this case went to the house of the defacto complainant, attacked him and also thrown country bomb into the house of the defacto complainant, in which the defacto complainant's mother is said to have sustained injuries and now the injured was discharged from the hospital. The petitioner herein is said to given shelter to the accused persons at Dharmapuri. He would also submit that the injured was also discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner has only shelter to the accused persons and also the fact that the injured was discharged from the hospital, 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, Devakottai, Sivagangai District

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 accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/08/2020

WEB COPY

/ TRUE COPY /

/ /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,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER INCHARGE
SUB JAIL,
THIRUPATHUR.
4. THE INSPECTOR OF POLICE
ARAVAYAL POLICE STATION,
ARAVAYAL,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8280 of 2020
Date :07/08/2020

AAV
SRS/ VR/ SAR-II/ 07.08.2020/ 3P/6C

<https://hcservices.ecourts.gov.in/hcservices/>



WEB COPY

CRL OP (MD) . No.8280 of 2020