



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

Date : 24/08/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8832 of 2020

Christober @ John Christober ... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Eraniel Police Station,
Cr.No.576 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Russel Raj,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.576 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 04.08.2020 for the alleged offences under Section 3 of Explosive Substance Act.

2. There are totally three accused in this case. The petitioner herein is arrayed as A2. The case of the prosecution is that A1 is the owner of a land and to form a pathway to his land, he engaged the petitioner to blast the boulder situated adjacent to A1's land , and the petitioner herein without getting proper permission from the authorities has blasted the rock using explosive substances.

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



4. The learned Government Advocate(Criminal Side) would submit that petitioner herein without getting proper permission from the authorities has blasted the rock using explosive substances.

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 blasting 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.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Eraniel, Kanyakumari 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/-
24/08/2020

/ 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,
ERANIEL,
KANYAKUMARI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER IN CHARGE,
SUB JAIL,
NAGERCOIL.
4. THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8832 of 2020
Date :24/08/2020

AAV
SRS/ VR/ SAR-II/ 24.08.2020/ 3P/6C