



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

Date : 02/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.12205 of 2020

Sathiyamoorthy

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Crime No.1770 of 2020.

... Respondent/Complainant

For Petitioner : M/s.K.Sivabalan,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For a Bail in Crime No.1770 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 18.09.2019 for the offences punishable under Sections 4 (a) of the Explosive Substances Act, 1908 and section 507 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant preferred a complaint before the respondent that he has invested in Elphin Finance Pvt Ltd., and when he insisted for repayment he was threatened by the Finance Company by sending explosive substance through Courier. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the said crime and he has been implicated based on the confession given by the co-accused.

4. The learned Government Advocate(Crl.Side) would submit that defacto complainant preferred a complaint before the respondent that he has invested in Elphin Finance Pvt Ltd., and when he insisted for



repayment he was threatened by the Finance Company by sending explosive substance through Courier. He would also submit that no previous case is pending against the petitioner and no one sustained injuries in the said occurrence.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also the fact that no one sustained injuries in the said occurrence, 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Orthanadu, Thanjavur 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 stay at Karur and report before the Karur Town Police Station daily at 10.30 a.m until further orders.

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/-
02/11/2020

/ 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, the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, DISTRICT PRISON,
NAGAPATTINAM.
4. THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR.

+1CC TO M/s.K.Sivabalan, Advocate, SR NO.7256

ORDER

IN

CRL OP(MD) No.12205 of 2020

Date :02/11/2020

MS/VR/SAR-3/02.11.2020/3P.8C