



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

Date : 03/11/2020

PRESENT

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

CRL OP(MD). No.12268 of 2020

Esakki ... Petitioner/Accused A6

Vs

State Rep. by
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
(Crime No.288 of 2020). ... Respondent/Complainant

For Petitioner : M/s.S.R.Durai Raj,
Advocate.

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

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

PRAYER :- For a Bail in Crime No.288 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections 147,148,506(ii) of IPC and Section 3 of Explosives Substances Act, 1908 on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 10.05.2020 in the night hours the village people heard an explosion sound and they informed to the defacto complainant, subsequently when the defacto complainant went to the place of occurrence they saw all the accused persons trying to explode the country made bomb and when the defacto complainant enquired about them, they threatened him by saying that they will kill him by throwing the bomb. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the name of the petitioner does not found place in the First Information Report and some of the co-accused persons case were granted bail by the Sessions Court.



4. The learned Government Advocate(Crl.Side) would submit that there are totally seven accused in this case and the petitioner herein is arrayed as A3. The allegation against the petitioner is that petitioner along with other accused persons tried to explode the country made bomb and when the defacto complainant enquired about them, they threatened him by saying that they will kill him by throwing the bomb. He would also submit that 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, Srivaikundam

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 Ariyalur and report before the Ariyalur 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/-
03/11/2020

/ 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, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE,
SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

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

+1. C.C. to M/S.M.S.JEYAKATHIK, Advocate SR.No. 7302

ORDER

IN

CRL OP(MD) No.12268 of 2020

Date :03/11/2020

aav

JM/VR/SAR IV/03.11.2020/3P/8C