



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2020

PRESENT

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

CRL OP(MD) . No.13788 of 2020

Amir Syeath @ Amirtharaj ... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

For Petitioner : Mr.S.Baskar Mathuram Advocate for
M/s.Mathuram Law Associates

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

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

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

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to
judicial custody on 30.09.2020 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

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implicated based on the confession given by the co-accused. He would also submit that co-accused in this case was granted bail by this Court.

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 and also the fact that co-accused in this case was granted bail by this Court, 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/-

02/12/2020

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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,
ORATHANADU, THANJAVUR DISTRICT.
 - 2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
 - 3.THE OFFICER INCHARGE,
DISTRICT JAIL, NAGAPATTINAM DISTRICT.
 - 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.

+1 CC to M/s.S.BASKAR MATHURAM, Advocate (SR-7829[I] dated 02/12/2020)

ORDER
IN
CRL OP(MD) No.13788 of 2020
Date :02/12/2020

KSA
AE/AKM/SAR-III (03.12.2020) 3P / 8C