



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

Date : 16/12/2020

PRESENT

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

CRL OP(MD). No.14924 of 2020

Swaminathan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Crime No.334/2020

... Respondent/Complainant

For Petitioner : Mr.Aayiram.K.Selvakumar,
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.334/2020 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 18.08.2020 for the offences punishable under Sections 294(b), 353, 307 and 302 of IPC and Section 3, 4(a) and 5 of Explosives Substance Act, on the file of the respondent police seeks bail.

2.The case of the prosecution is that A1 in this made an attempt to catch the accused persons in connection with some other case. At that time, the petitioner induced A1, who in turn thrown hand bombs which exploded, In that incident A1 and the Head Constable died. 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 the petitioner. 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 A1 in this made an attempt to catch the accused persons in connection with some other case. At that time, the petitioner induced A1, who in turn thrown hand bombs which exploded, In that incident A1 and the Head Constable died. He would also submit that co-accused in this case was granted bail by this Court. He would further submit that investigation in this case is completed and the final report has been filed before the concerned Court.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of 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, Srivikundam

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 Principal Sessions Court, Thoothukudi daily at 10.30 a.m., 1.30 pm., and 5.30 pm., 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/-
16/12/2020

/ 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 DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 4.THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE PRINCIPAL SESSIONS JUDGE,
THOOTHUKUDI.

ORDER

IN

CRL OP(MD) No.14924 of 2020

Date :16/12/2020

IAS

TK/VR/SAR.4/16.12.2020/3P/7C