



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

Date : 01/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12611 of 2021

WEB COPY

CHELLADURAI

... PETITIONER/ACCUSED

VS

**THE INSPECTOR OF POLICE,
K.PUTHUPATTI POLICE STATION
PUDUKKOTTAI DISTRICT**

CRIME NO.97 OF 2021.. ... RESPONDENT/COMPLAINANT

**FOR PETITIONER : M/S.SENTHIL KUMAR R,
ADVOCATE.**

**FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)**

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

PRAYER :-

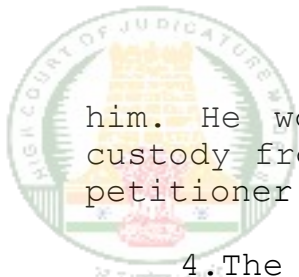
For Bail in Crime No.97 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 08.08.2021 for the offence punishable under Section 3 of Explosive Substances Act, 1908, in Crime No.97 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint suspecting that one Manikandan, S/o.Rasu and Sathaiah, S/o. Thanirasu might have thrown the explosive substance on his house. During the course of investigation, the respondent police found that this petitioner is an erstwhile employee of the defacto complainant and is having some grudge as against the defacto complainant, he has collected explosive materials from a tractor used for the temple festival and thrown the same on the defacto complainant's house on 17.04.2021. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner's name was not mentioned in the F.I.R. Only with an intention to harass the petitioner, a false case is foisted against



him. He would further submit that the petitioner is in judicial custody from 08.08.2021 and hence he prays for grant of bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police would submit that the final report is yet to be filed. He would further submit that the petitioner has involved in yet another case.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled against the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumayam and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

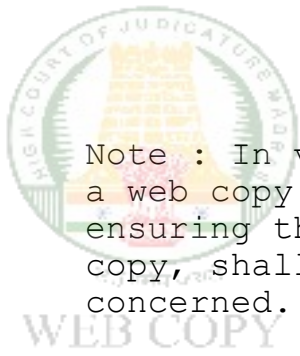
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
01/09/2021

/ TRUE COPY /

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, THIRUMAYAM
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI
 3. THE PRISON BORSTAL SCHOOL AND DISTRICT JAIL
PUDUKOTTAI
 4. THE INSPECTOR OF POLICE,
K.PUTHUPATTI POLICE STATION
PUDUKKOTTAI DISTRICT
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC M/s.R.SENTHILKUMAR, ADVOCATE, SR NO.5868

ORDER
IN

CRL OP(MD) No.12611 of 2021

Date : 01/09/2021

GC/SKN/SAR-IV(01.09.2021) 3P 7C