



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

Date : 07/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13092 of 2021

1.Mari Muthu
2.Velpandi

....Petitioners/Accused Nos.1 & 2

Vs

State represented by
The Inspector of Police,
Seithur Rural Police Station,
Virudhunagar District.
Crime No.115 of 2021

... Respondent/Complainant

For Petitioners: Mr.M.Jothibasu,
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

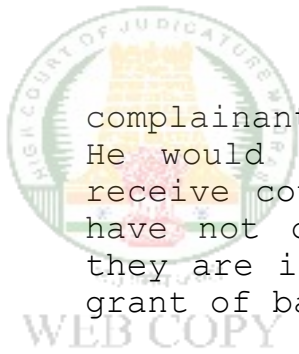
PRAYER :- For Bail in Crime No.115 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who were arrested on 16.08.2021 for the offences under Section 429 I.P.C r/w Section 4(a) of Explosive Substances Act, 1908, in Crime No.115 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant is maintaining goats and pigs by putting up a cottage at Kosavankulam Kanmai. On account of previous motive, on 16.08.2021 at about 11.45 a.m, these petitioners had set country bomb substances in a guava fruit, put the same in a dust pin nearby the cottage of the defacto complainant. A pig worth about Rs.10,000/- had bitten that country bomb, sustained severe injuries and died on the spot. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are agriculturists and they are having civil dispute with the defacto complainant. Due to that motive, the defacto



complainant has foisted a false case as against these petitioners. He would further submit that the petitioners have no source to receive country bomb substance. The petitioners are innocents, they have not committed any offence as alleged by the prosecution and they are inside the prison from 16.08.2021 and hence, he sought for grant of bail.

4. The learned Government Advocate (Crl. Side) for the respondent police, on instructions, would submit that the investigation is yet to be completed.

5. Perusal of record would show that the defacto complainant has not furnished any material that the petitioners are having the habit of preparing the country made bomb. The respondent police has not recovered any explosive substance from the petitioners' house. It appears that a false case has been foisted as against these petitioners.

6. Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioners, the nature of investigation conducted by the Investigating Officer and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

7. Accordingly, this Criminal Original Petition is ordered. The petitioners are directed to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Rajapalayam, Virudhunagar District 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police as and when required for interrogation.

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

[d] the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/09/2021

/ TRUE COPY /

WEB COPY

/ /2021
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,
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE, SUB JAIL,
SRIVILLIPUTTUR.
4. THE INSPECTOR OF POLICE,
SEITHUR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-6040[I] dated 07/09/2021)

ORDER
IN
CRL OP(MD) No.13092 of 2021
Date :07/09/2021

MSA
MS/VR/SAR-2/07.09.2021/3P.7C