



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.141 of 2022

Duraimurugan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Vandavasi North Police Station
Vandavasi
Tiruvannamalai District

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.470 of 2021, pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 07.11.2021 for the offences under Sections 147, 148, 506(ii), 507, 307, 285 of IPC read with Section 25(1)(a) of Arms Act, 1959, read with Section 4(a), 4(b), 6 of Explosive Substances Act, 1908 and 120 (B) of IPC, in Crime No.470 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between A1 and the husband of the defacto complainant, on 06.11.2021 at about 8.45 p.m., the petitioner along with other accused went to the house of the defacto complainant and hurled petrol bombs in front of the house of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the alleged offence and he has been falsely implicated in this case and that he



has been suffering incarceration for more than 60 days from 17.11.2021 and hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that there are totally 8 accused in this case and the petitioner is arrayed as A6 and he has got 2 previous cases out of which, one case is for the offence under Section 307 IPC. He would further submit that A1 to A5 have been detained under Goondas but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Vandavasi, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Rameshwaram and report before the Thangachimadam Police Station on every Wednesday and Saturday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;



(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
06/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VANDAVASI NORTH POLICE STATION,
VANDAVASI, TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE
THANGACHIMADAM POLICE STATION, RAMESHWARAM.

CC to Mr.B.Jawahar Advocate on payment of necessary charges

CRL OP.141/2022

Date :06/01/2022

JPA 07/01/2022