



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION NOS.11802 & 11807 of 2022

RATHINAM

[PETITIONER / ACCUSED NO.3
CRL.OP.NO.11802/2022]

1.VENKATESAN
2.SENTHIL

[PETITIONERS/ ACCUSED NO.1 & 2
CRL.OP.NO.11807/2022]

Vs

STATE, REPRESENTED BY
THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
(CRIME NO.44 OF 2022)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

For Petitioner : M/S.N.VIJAYA BASKER Advocate
[IN BOTH PETITIONS]

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor
[IN BOTH PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 13.03.2022 for the offences punishable under Section 286 of IPC and Section 5 of Explosive Substance Act, 1908 in crime No.44 of 2022 on the file of the respondent police, seek bail.

2. It is the case of the prosecution that A1 and A2 were found in possession of 88 packets of explosive material i.e. Special Ordinary Detonators (totally 9300 grams), which is used for explosive purpose, without having valid licence. Thereafter, the same was seized. Hence the case.



3.The learned counsel appearing for the petitioners/A1 to A3 would submit that A3 is the supplier of the materials, which was carried by A1 and A2 who are driver and cleaner, who dropped the Printing Materials from Salem to Karur and after delivering the materials from Karur, which returning to Salem, near to Papinaickenpatti, Namakkal, the first accused person drove the vehicle and near to the overbridge curve area, the vehicle got out of control and the TATA LPT goods vehicle dashed into the bridge wall and the first accused persons had sustained injury at his forehead. On knowing the same, the respondent police came to the spot and rescued A1 and A2 and seized the vehicle. At that time the respondent police found the said packets containing explosive items. Thereafter the said material was thrown under the bridge and after verifying the same, it was found that all were expired.

4.The learned Additional Public Prosecutor would submit that there are totally five accused, in which the petitioners are arrayed as A1 to A3, wherein A2 & A3 are driver and cleaner and A1 is the supplier of the material. He would further submit that A1 was travelling with A4, who is the driver of the car, and A2 was travelling with A3, who is the driver of the auto wherein the explosive material was kept. He would further submit that the accused persons had the explosive materials without having valid license, which will endanger life to the human. However, he vehemently opposed to grant bail to the petitioners.

5. It is seen that the petitioners are arrayed as A1 to A3, wherein A1 and A2 were drivers of car and auto. The car escorted the auto. The auto met with an accident and thereafter explosives found in auto. All the petitioners were arrested and remanded to judicial custody on 13.03.2022. The prosecution failed to establish that the explosives were brought by the accused persons for particular event.

6. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioners, this Court is inclined to grant bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/-(Rupees ten thousand only) (each) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Namakkal 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 stay at Chennai and report before the Inspector of Police, Egmore Police Station, Chennai daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report



before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter 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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

07/06/2022

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,
NO.I, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
NALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE INSPECTOR OF POLICE
EGMORE POLICE STATION,
CHENNAI.

WEB COPY

+2CC to M/S.LAW VISION Advocate on payment of necessary charges
SR.Nos.8522+8520

CRL.OP.NOs.11802&11807/2022

Date :07/06/2022

CSK 08/06/2022