



Crl.O.P.No.21422 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21422 of 2022

Prabhakaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.

(Crime No.26/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.26 of 2022 on the file of the respondent Police.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.02.2022 for the offences punishable under Sections 147, 148, 307 of IPC & Section 3 of Explosive Substances Act, 1998, in Crime No.26 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused were attempted to commit murder of one de-facto complainant/Dubai Elavarasan with the help of explosives. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since, he happens to be the friend of the other accused, he has been wrongly implicated in this case and he has nothing to do with the alleged offence and there is no material as against the petitioner. He would further submit that the other accused detained under Act 14 have been revoked by the Government. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused were found in possession of explosives and they attempted to commit murder of one Dubai Elavarasan/de-facto complainant. He would further submit that a previous case in Crime No.547 of 2017 is pending as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the



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learned Judicial Magistrate No.II, Jayankondam, 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 petitioner shall report before the respondent Police, everyday 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 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];**



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

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To

1. The Judicial Magistrate No.II,
Jayankondam.
2. The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
3. The Central Prison,
Tiruchirappalli.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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