



Crl.O.P.No.26177 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2022

CORAM

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

Crl.O.P.No.26177 of 2022

Dhanasingu

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Porto Novo Police Station,
Cuddalore District.

(Crime No.499/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.499
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.C.Pugazhenth

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 05.10.2022 for the offences punishable under Sections 3, 4(b) & 5 of Explosive Substances Act and Section 9(B)(2) of Explosives Act, in Crime No.499 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on a secret information, the respondent Police have conducted an inspection at the backyard of the house of the petitioner and seized two bottles of petrol bombs. Hence, the complaint.

3.The learned counsel for the petitioner would submit that he is an innocent person and due to enmity with the respondent Police, a false complaint has been given against him. He would submit that other than two previous cases registered against the petitioner for prohibition offences, there is no case against the petitioner. The fact remains that the petitioner had found two bottles filled with petrol lying behind his house and he is the person who had given an information to the respondent Police whereas the



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respondent Police have fixed the petitioner in this case. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate would submit that on a secret information, the respondent Police have conducted an inspection at the backyard of the house of the petitioner and seized two bottles of petrol bombs. He would further submit that there are two previous cases pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

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

6.Taking into consideration the facts and submissions of the learned counsel and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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**



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thousand only) with two sureties, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Porto Novo, Cuddalore** 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 stay at Madurai and report before the Inspector of Police, Thallakulam Police Station, daily at 10.30 a.m and 5.30 p.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 absconds, a fresh
FIR can be registered under Section 229A IPC;

01.11.2022

vkrr

To

- 1.The District Munsif cum Judicial Magistrate,
Porto Novo, Cuddalore.
- 2.The Inspector of Police,
Porto Novo Police Station,
Cuddalore District.
- 3.The Inspector of Police,
Thallakulam Police Station,
Madurai.
4. The Central Prison, Cuddalore.
5. The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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