



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD).Nos.3298 and 3300 of 2022

1. S.Karuppasamy
2. J.Veeramallan

... Petitioners/Accused Nos.1 & 2
in Crl.O.P.(MD)No.3298 of 2022

Vijay

... Petitioner/Accused No.7
in Crl.O.P.(MD)No.3300 of 2022

Vs

The State rep.by
The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District.
(Crime No. 216 of 2021).

... Respondent/Complainant
in both petitions

In both Petitions:-

For Petitioners : M/s.MUSTHAFAKHAN.M,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

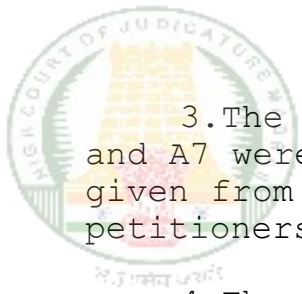
PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :- For Bail in Crime No.216 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1, A2 and A7, who were arrested and remanded to judicial custody on 11.12.2021 for the offences punishable under Sections 4(a) and 5 of Explosive Substances Act, 1908 and Section 120B of IPC in Crime No.216 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 10.12.2021, based on the secret information given by one Devaraj, the Sub-Inspector of Police along with police officials had made a raid and found A1 and A2 were found in possession of four number of country bombs and other accessories for making country bombs illegally. Based on the confession statement given by A1, the petitioners/A2 and A7 were implicated in the present case.



3.The learned counsel for the petitioners would submit that A2 and A7 were implicated only on the basis of the confession statement given from the first accused and that there was no recovery from the petitioners/A2 and A7.

4.The learned Additional Public Prosecutor for the respondent would submit that A2 was arrested along with the first accused and that the property was recovered only from A1.

5.Considering the facts and circumstances of the case and also the facts that the petitioners are in judicial custody from 11.12.2021 and that the substantial portion of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.II, Virudhunagar, Virudhunagar District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioners shall stay at Villupuram and report before the Inspector of Police, Villupuram Police Station, Villupuram daily at 10.30 a.m., for a period of thirty days and thereafter, report before the respondent police daily at 10.30 a.m until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv)the petitioners shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/02/2022

/ TRUE COPY /

16/02/2022

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 NO.II
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
VILLUPURAM POLICE STATION,
VILLUPURAM

ORDER

IN

CRL OP (MD) .Nos.3298 and
3300 of 2022

Date :16/02/2022

SA/PN/SAR.2/16.02.2022/3P/7C