



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 21/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3548 of 2022

WEB COPY

1. Pushparaj
2. Chinnamani

... Petitioner/Accused 1 & 3

Vs

State represented by
The Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.25/2022).

... Respondent/Complainant

For Petitioners: Mr.A.S.Vaigunth,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-

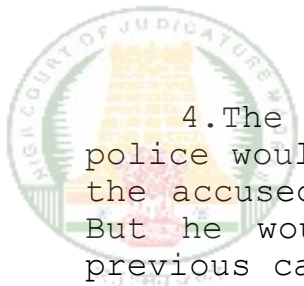
For Bail in Crime No.25 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.3, who were arrested and remanded to judicial custody on 19.01.2022 for the offences punishable under Section 9(B)(1)(b) of the Indian Explosives Act, 1884, and Section 4(b) of the Explosive Substances Act, 1908, in Crime No.25 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 18.01.2022, when the de-facto complainant, namely, Bharathi, who is working at Forest Department, was coming on the road near the Mango Grove of Thangaraj, the first petitioner/A.1 was riding his two-wheeler and the second accused was coming with white colour sack in his hand. On suspicion, the de-facto complainant searched the sack and found four country bombs in that sack. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there was no recovery from the petitioners and only based on the confession given by the co-accused, the petitioners are implicated in this case.



4.The learned Additional Public Prosecutor for the respondent police would submit that there are nine accused in this case and all the accused are notorious rowdy elements, involved in four murders. But he would fairly concede that the petitioners are having no previous case.

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5.Considering the above facts and circumstances of the case and also considering the facts that there was no recovery from the petitioners and also taking note of the fact that the petitioners are implicated only based on the confession statement given by the co-accused, that the petitioners are not having any previous case for similar or serious offence and that the petitioners are in judicial custody from 19.01.2022, 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 No.1, Srivilliputtur, 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 Vellore and report before the Inspector of Police, Vellore South Police Station daily at 10.30 a.m., for a period of thirty (30) 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/02/2022

/ TRUE COPY /

21/02/2022

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.

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTTUR, VIRUDHUNAGAR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.
 - 3 THE INSPECTOR OF POLICE
WATRAP POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE INSPECTOR OF POLICE,
VELLORE SOUTH POLICE STATION,
VELLORE.
 - 5 THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3548 of 2022
Date :21/02/2022

RS/VR/SAR.1 (21.02.2022) 3P-7C