



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

Date : 25/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3863 of 2022

WEB COPY

Sarath Kumar

... Petitioner/Accused No.2

Vs

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

... Respondent/Complainant

For Petitioner : Mr.M.Pandian,
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 petitioner/A.2, who was arrested and remanded to judicial custody on 18.01.2022 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, seeks bail.

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

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the accused Nos.1, 3, 6 and 7 were already released on bail by this Court.



4.The learned Additional Public Prosecutor would submit that the property has been recovered from the petitioner and he gave voluntary confession statement and only on that basis, the other accused were implicated in this case.

5.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 18.01.2022, that the co-accused were already released on bail and that the petitioner is not having any previous cases for similar or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6.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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Srivilliputtur, Virudhunagar District.

(a) 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;

(b)the petitioner shall stay at Viluppuram and report before the Inspector of Police, Viluppuram Town 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;

(c)the petitioner shall not tamper with the 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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/02/2022

/ TRUE COPY /

/ /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,
VILUPPURAM TOWN POLICE STATION,
VILUPPURAM DISTRICT.
 - 5 THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
 - 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.PANDIAN, Advocate (SR-1511[I] dated 25/02/2022)

ORDER
IN
CRL OP(MD) No.3863 of 2022
Date :25/02/2022

RS/PN/SAR.1 (25.02.2022) 3P-8C