



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5301 of 2022

Muthaiah @ Koovapandi

... Petitioner/Accused NO.1

Vs

The State rep.by,
The Inspector of Police,
Watrap Police Station,
Virudhunagar District
(Crime No.27 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.Kannan, Advocate for
MR.M.Ganeshkamu, Advocate.

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

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

PRAYER :-For Bail in Crime No.27 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 25.01.2022 for the offences punishable under Section 427 of IPC and Section 9(B)(1)(b) of the Indian Explosive Act, 1884 and Sections 3 and 4(b) of Explosive Substances Act, 1908 in Crime No.27 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.01.2022 at about 02.30 p.m, when the de-facto complainant parked his Tractor nearby his house in a vacant site at Kottaiyur Village, Watrap Taluk, there was a loud sound of explosion with smoke on the left rear tyre of the Tractor, which caused damage to the tune of Rs.125/-, that the de-facto complainant found one exploded country bomb and six other live country bombs rolled in gunny thread and that based on the complaint given by the de-facto complainant, the respondent police arrested the petitioner due to the illegal handling of country bombs. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner was manufacturing country bombs only for the purpose of hunting the hogs, that he is not having any previous case for similar or serious offence and that A2 was already arrested and released on bail by Sessions Court.

4.The learned Additional Public Prosecutor would submit that the petitioner was found manufacturing the country bombs and he is having five previous cases registered under the TNP Act.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 25.01.2022 and also the facts that the petitioner is not having any previous case for similar or serious offence and that A2 was already arrested and released on bail, 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, Srivilliputhur.

(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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner 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 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]**.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/03/2022

/ TRUE COPY /

22/03/2022
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.I,
SRIVILLIPUTHUR.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
 - 4 THE INSPECTOR OF POLICE
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.M.GANESHKAMU, Advocate (SR-2313[I] dated 22/03/2022)

ORDER
IN
CRL OP(MD) No.5301 of 2022
Date :22/03/2022

SJI
SA/VR/SAR.III/22.03.2022/3P/7C