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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12720 of 2022

Mariselvam

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District
(Crime No.85 of 2022)

... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.side)

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

PRAYER :-For Bail in Crime No.85 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 286 and 427 IPC, Section 9 (B)(1)(b) of the Indian Explosive Act and Section 3 of TNPPDL Act in Crime No.85 of 2022, on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant and the 1st accused are neighbours. The 1st accused by encroaching the Government Poramboke land tried to put up a compound wall in that place. Rock was found in the place and that was blasted by this petitioner. The petitioner is a driver of the vehicle, namely Tractor bearing Reg.No.TN 29 2790 and because of the aforesaid blast, the neighbours' houses and articles were damaged. So, based upon the aforesaid occurrence, the case has been registered. The petitioner has been arrested and remanded to judicial custody on 24.06.2022.

3.The Investigation Officer is also present in person before the Court today. He has stated that the 1st accused was released on



bail, considering his age. On reading of the FIR shows that as were damaged and apart from that, several public properties were also damaged. It is also seen that no compensation amount has been claimed from the 1st accused, who is the owner of the aforesaid property.

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4. Considering the fact that the petitioner was a hired by the 1st accused for blast and considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

14/07/2022

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14/07/2022

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,
AMBASAMUDRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT
- 3 THE SUPERINTENDENT,
CENTAL PRISON, PALAYAMKOTTAI.
- 4 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION, TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.12720 of 2022

Date :14/07/2022

MM

MK/PN/SAR.III/14.07.2022/2P/6C

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