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Crl.O.P.No.5810 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.5810 of 2023

1. Ganesan

2. Arasu

3. Tamilprabakaran

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Thiruvanamalai Town Police Station,
Thiruvanamalai District.

(Crime No.83 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail, in connection with the Crime
No.83 of 2023, pending investigation on the file of the respondent Police.

For Petitioners : Mr.S.Kasirajan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 15.02.2023, for the alleged offences punishable under Section 9(B)(1)(b) of the Indian Explosives Act, 1884 and 109, 294(b), 307, 435, 506(ii) of IPC and Section 4 of TNPPDL Act @ 9(B)(1)(b) of the Indian Explosives Act, 1884 and 109, 120(b), 294(b), 307, 435 , 506(ii) of IPC and Section 4 of TNPPDL Act, 1984, in Crime No.83 of 2023, on the file of the respondent Police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Sankar, is that due to the previous dispute with regard to the money transaction, on 15.02.2023, the accused have abused the de-facto complainant and they have pelted the petrol bottle with fire on him with an intent to cause death and also caused damage to the car. The further allegation is that the accused have also threatened the de-facto complainant with dire consequences. Hence the case.

3. Learned Counsel for the petitioners submitted that the



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petitioners are innocent persons and they have been falsely implicated in this case. He also submitted the case has been registered for the purpose of detaining the first and second accused and the respondent has also achieved the same. He further submitted that the petitioners are no way connected with the alleged offence and they are in custody from 15.02.2023 and they are also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that pursuant to the order passed by the District Collector and District Magistrate, Tiruvannamalai District in D.O.No.36/2023-C2, dated 24.03.2023, the second petitioner (A3) has been detained as "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. He further submitted that as far as this case is concerned, the petitioners, who are arrayed as A2, A3 & A4 respectively, along with other accused, due to the previous dispute with regard to the money transaction, had pelted the petrol bottle with fire on the de-facto complainant, with an intent to cause death and also caused damage to the car. He also submitted that 5 previous cases are pending as against the first petitioner and in respect



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of the fourth petitioner, there is no previous case and the investigation is still pending. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the first and third petitioners, this Court is inclined to grant bail to the first and second petitioners with certain conditions.

7. Accordingly, the Criminal Original Petition in respect of the second petitioner (A3) stands closed and in respect of the first and third petitioners, the Criminal Original Petition stands ordered and the first and third petitioners are ordered to be released on bail on their executing a separate 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**



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Magistrate No.I, Thiruvanamalai, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the first and third petitioners shall stay at Sivaganga and report before the Inspector of Police, Sivaganga Town Police Station, everyday at 10.30 a.m. and 5.30p.m., until further orders;

[c] the first and third petitioners shall not abscond either during investigation or trial;

[d] the first and third petitioners shall not tamper with evidence or witness 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 first and third petitioners in accordance with law as if the conditions have been imposed and the first and third 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]***;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

24.03.2023

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To

1. The Judicial Magistrate No.I,
Thiruvanamalai.
2. The Inspector of Police,
Thiruvanamalai Town Police Station,
Thiruvanamalai.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Sivaganga Town Police Station,
Sivaganga.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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