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Crl.O.P.No.7815 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

Crl.O.P.No.7815 of 2023

Koya

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Devala Police Station,  
The Nilgiris District.

(Crime No.34 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner/accused on bail, in connection with the  
Crime No.34 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : M/s.Thanga Vadhana Balakrishnan

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



Crl.O.P.No.7815 of 2023

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## **ORDER**

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 11.02.2023, for the offence punishable under Section 5 of the Explosive Substances Act, 1908, in connection with Crime No.34 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.02.2023, when the respondent and his team were on their regular patrol duty, they found that the accused was in illegal possession of 10 Gelatin sticks and empty Detonators in his bag, without any valid licence. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that while he was carrying a parcel, which was given by his friend to deliver it in Nilgiris, he was intercepted by the respondent. He also submits that the petitioner does not have any terrorist background or criminal background. He further submitted that the petitioner is in custody from



Crl.O.P.No.7815 of 2023

11.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the accused was in illegal possession of 10 Gelatin sticks and empty Detonators without any valid license. He also submitted that the investigation is still pending and there is no previous case pending as against the petitioner, however, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



Crl.O.P.No.7815 of 2023

7. Accordingly, the petitioner is ordered to be released on bail on his executing a 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, Pandalur, The Nilgiris**, 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 petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner 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 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]***;

[f] If the accused thereafter abscond, a fresh FIR



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Crl.O.P.No.7815 of 2023

can be registered under Section 229A IPC.

**12.04.2023**

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To

1. The Judicial Magistrate,  
Pandalur, The Nilgiris.
2. The Inspector of Police,  
Devala Police Station,  
The Nilgiris District.
3. The Gudalur Sub Jail,  
Gudalur, The Nilgiris.
4. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.7815 of 2023

**A.D.JAGADISH CHANDIRA.,J.**

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**Crl.O.P.No.7815 of 2023**

**12.04.2023**