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CrI.O.P.No.11424 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

CrI.O.P.No.11424 of 2023

Shafiayulla

... Petitioner

Vs.

State represented by,
Inspector of Police,
Kallakurichi Police Station,
Kallakuruchi.
(Crime No.240 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.240 of 2023, on the file
of the respondent police.

For Petitioner : Mr.P.Paramasivadoss

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 06.05.2023, in connection with Crime No.240 of 2023 registered for the
offence punishable under Section 286 of IPC r/w Section 5 of Explosive
Substances Act, seeks bail.



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2. The case of the prosecution is that the petitioner along with other accused alleged to have manufactured fire crackers without valid licence and also sold the same to the black market in order to gain more amount. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would also submit that now, A1 has applied for renewing licence and the same was pending before the concerned authorities. He would further submit that the aforesaid crackers were recovered and the petitioner is in judicial custody from 06.05.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the the petitioner along with other accused alleged to have manufactured fire crackers without valid licence and also sold the same to the black market in order to gain more amount. He also submit that so far two witnesses have been examined and also submit that the crackers were recovered. Hence, he opposed for grant of bail to the petitioner.



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5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration from 06.05.2023 and two witnesses have been examined and also taking note of the fact that the crackers were recovered, this Court is inclined to grant bail to the petitioner with certain 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-I, Kallakurichi**, 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 on every Saturday at 10.00 a.m., until further orders;

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

[d] the petitioner shall not tamper with evidence



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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 can be registered under Section 229A IPC.

18.05.2023

vv/drl

To

1. The Judicial Magistrate-I,
Kallakurichi.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakuruchi.
3. The Superintendent,
Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

Vv/drl

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