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CrI.O.P.No.11421 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.11421 of 2023

1. Kani @ Gani
2. Ibrahim

... Petitioners

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 petitioners on bail, in Crime No.240 of 2023, on the
file of the respondent police.

For Petitioners : M/s.R.Meenakshi Devi

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioners, who were 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 petitioners 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 petitioners submitted that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He would also submit that now, the first petitioner 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 petitioners are in judicial custody from 06.05.2023. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the the petitioners 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



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crackers were recovered. Hence, he opposed for grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are 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 petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of **Rs.25,000/- each (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 petitioners shall report before the respondent police on every Saturday at 10.00 a.m., until further orders;



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

[d] the 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 petitioners in accordance with law as if the conditions have been imposed and the 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]*;

[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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