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CrI.O.P.No.12459 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

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

CrI.O.P.No.12459 of 2023

M.Vignesh

... Petitioner

Vs.

State rep. by
The Inspector of Police
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai.
Crime No.315 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.315 of 2023, on the file
of the respondent herein.

For Petitioner : Mr.KG.Senthil Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.05.2023, for the offences punishable under Sections 294(b), 341 and
506(ii) of IPC r/w Section 3 of Explosive Substances Act, 1908, in Crime
No.315 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that on 17.05.2023, while the defacto complainant's son was chatting with his friends in front of his house, at that time, the accused abused her son and his friends with dire consequences and thrown a country made bomb on them. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is a MCA Student in Dr.M.G.R.College, Maduravoil, Chennai and he was not at all present in the scene of occurrence. He further submitted that as per the prosecution no one was injured. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent vehemently opposed to grant bail to the petitioner stating that the petitioner along with other accused abused the defacto complainant's son and his friends and thrown the explosive country bomb on them. He further submitted that there is no previous case pending against the petitioner.

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



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

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, out of which, one surety shall be the father or mother of the petitioner, each** for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate at Saidapet** 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 6.30 p.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;



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[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.

06.06.2023

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To

1. The XXIII Metropolitan Magistrate, Saidapet, Chennai
2. The Inspector of Police
R-5, Virugambakkam Police Station,
Virugambakkam, Chennai.
3. The Superintendent,
Central Prison for Men,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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