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CrI.OP.No.22890 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.22890 of 2023

Murugan
S/o.Ponnusamy

...Petitioner/A10

Vs.

State rep. by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai – 600 118.
(Crime No.824 of 2022)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.824 of 2022
pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Criminal Side)



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CrI.OP.No.22890 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.08.2023 for the offence punishable under Section 5 of Explosive Substance Act, 1908 and Section 25(1A) of Arms Act in Crime No.824 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused were found in possession of explosives and deadly weapons and travelled in a car with an intention to do an unlawful activity. Hence the case was registered against the petitioner.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and no way connected with the alleged offences. He further submitted that all the other accused had been granted bail. Hence he seek for grant of bail to the petitioner.

4.It is stated on behalf of the respondent that the petitioner had been implicated in this case on the basis of confession of the other accused.



CrI.OP.No.22890 of 2023

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. 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 Xth Metropolitan Magistrate, Egmore, Chennai 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.



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CrI.OP.No.22890 of 2023

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

06.10.2023

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CrI.OP.No.22890 of 2023

WEB COPY

To

- 1.The Xth Metropolitan Magistrate, Egmore, Chennai
- 2.The Central Prison,
Puzhal – II, Chennai - 66.
- 3.The Public Prosecutor,
High Court of Madras

C.V.KARTHIKEYAN. J.



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Crl.OP.No.22890 of 2023

Smv

Crl.O.P.No.22890 of 2023

06.10.2023