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CrI.OP.No.23135 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2023

CORAM

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

CrI.OP.No.23135 of 2023

Parthiban
S/o.Kumar

...Petitioner/A4

Vs.

State represented by its
Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No.11 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail relating to Crime No. 11 of 2023 on the file of the respondent police.

For Petitioner : M/s.D.Lakshmipathy

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.08.2023 for the offences punishable under Section 336 of IPC r/w Section 25 (1)(A) of Arms Act, 1959, Sections 3 and 4(b) of Explosive Substances Act, 1908 r/w Section 9(B)(1)(a) of Indian Explosive Act,



Crl.OP.No.23135 of 2023

1884, in Crime No.11 of 2023, on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that petitioner is an innocent person and he has been falsely implicated in Crime No.11 of 2023, on the file of the respondent police. Thus, he prays to grant bail for the petitioner.

3.It is stated by the learned Government Advocate (Crl.Side) that on the instigation of the petitioner herein and A3, A1 had supplied country bombs. It is further seen that the first accused had been granted bail by an order dated 28.02.2023, by the learned Single Judge of this Court, in Crl.O.P.No.3258 of 2023. The petitioner had been taken into custody on 07.08.2023.

4.Taking into consideration, the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions. Accordingly, the petitioner is ordered to be released on bail on he executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



CrI.OP.No.23135 of 2023

only) with two sureties, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Neyveli** 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



CrI.OP.No.23135 of 2023

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.

09.10.2023

mkn2/sli

To

- 1.The District Munsif cum Judicial Magistrate,
Neyveli
- 2.The Central Prison,
Cuddalore.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police,
Neyveli Thermal Police Station,
Cuddalore District.
(Crime No.11 of 2023).



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C.V.KARTHIKEYAN. J.

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Crl.OP.No.23135 of 2023

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