



CrI.OP.No.25684 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

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

CrI.OP.No.25684 of 2023

Gajendran

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
Crime No.179 of 2023.

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in FIR in Crime No.179 of 2023
on the file of the respondent police.

For Petitioner : Mr.S.Arivazhagan

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



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ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 12.09.2023 for the offence punishable under Sections 286, 337, 338, 304(2) IPC r/w 9(B)(1)(a) of the Indian Explosives Act, 1884 in Crime No.179 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner stated that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner had been remanded to custody on 12.09.2023. He further stated that the petitioner is ready to abide by any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Criminal side) stated that the petitioner herein, was the owner of the fireworks crackers unit. While prepared fire works crackers, there was an accident. The deceased was the father of the petitioner himself. There are also three other injured persons. The petitioner has been in the custody from 12.09.2023. Thus, he prays for dismissal of this petition.



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4.The learned counsel for the petitioner stated that the petitioner would pay a sum of Rs.30,000/- to each one of the three injured persons. An affidavit has also been filed.

5.Taking into consideration the fact that the father of the petitioner himself died and that the petitioner came forward to express his bonafide and considering the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 **District Munsif cum Judicial Magistrate, Vedaranyam** 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 should deposit a total sum of



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Rs.90,000/- to the credit of the Crime No.179 of 2023 before the learned District Munsif cum Judicial Magistrate, Vedaranyam and on such deposit, the learned District Munsif cum Judicial Magistrate, Vedaranyam may handover a sum of Rs.30,000/- to each one of the three injured persons, on proper identification, verification and acknowledgement.

[c] the petitioner shall report before the respondent police everyday at 10.00 a.m., for a period of two weeks and thereafter, as and when for interrogation.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR



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can be registered under Section 229A IPC.

27.11.2023

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To

1. The District Munsif cum Judicial Magistrate, Vedaranyam
2. The Inspector of Police,
Voimedu Police Station,
Nagapattinam District.
3. Sub Jail
Vedaranyam.
4. The Public Prosecutor,
Madras High Court.



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C.V.KARTHIKEYAN, J.

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