



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.2235 of 2023

WEB COPY

Praveen Kumar

...Petitioner / Accused No.1

-vs-

The State represented by
The Inspector of Police,
Thillai Nagar Police Station,
Trichy District.
(in Cr.No.18 of 2023)

...Respondent / Complainant

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.18 of 2023 on the file of the
Respondent Police.

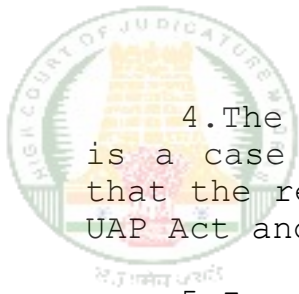
For Petitioner	:	Mr.R.L.Dilipan Pandian, Advocate for Mr.B.Arun, Advocate.
For Respondent	:	Mr.T.Senthil Kumar Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.01.2023 for the offences punishable under Sections 506 (ii), 294(b), 324, 341 and 387 of IPC and Sections 3 and 5 of Explosive Substances Act, 1908 and Section 25(1)(a) of Arms Act, 1959 in Crime No.18 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 12.01.2023, the accused persons have waylaid the de-facto complainant and demanded money by showing patta kathi and had also hurled a country bomb over the de-facto complainant and also abused the de-facto complainant in filthy language. Hence, the case.

3.The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner has not committed any offence, as alleged by the prosecution. He would also submit that due to a private enmity between two individual, a false complaint has been given and he would seek for bail.



4.The learned Additional Public Prosecutor would submit it is a case where a country bomb has been used and he would submit that the respondent police have intended to invoke the provisions of UAP Act and he would oppose for grant of bail.

5.In reply, the learned Counsel for the petitioner would submit that it is a case, where, invoking the provisions of UAP Act is not warranted, as it is not a case of terrorist attack and it is an incident, which is alleged to have been happened during a dispute and enmity between two private individuals, where, terrorism is not involved.

6.Heard. Perused the materials available on record.

7.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 12.01.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) 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 Judicial Magistrate No.IV, Tiruchirappalli, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Chennai report before the Inspector of Police, North Beach Police Station, daily at 10.30 a.m., and 05.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];



(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/02/2023

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07/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV,
TRICHY
- 2 THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THILLAI NAGAR POLICE STATION, TRICHY DISTRICT
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE,
NORTH BEACH POLICE STATION, CHENNAI.

+1. CC to M/S.ARUN.B Advocate SR.No.1942.

ORDER
IN
CRL OP(MD) No.2235 of 2023
Date :07/02/2023

cmr
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