



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4912 of 2023

Sakthivel,

... Petitioner/Accused No.1

Vs

rep

The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
Crime No. 48/2023.

... Respondent/Complainant

For Petitioner : M/s.Alwin Balan P.P., Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 48 of 2023 on the file of the respondent police.

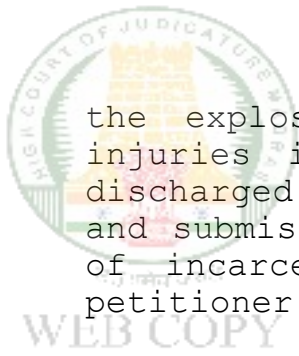
ORDER : The Court made the following order :-

The petitioner /A1 who was arrested and remanded to judicial custody on 18.02.2023 for the offences under sections 286,304(ii) of IPC and section 9(B)(1)(b) of Indian Explosives Act,1884 in Crime No.48 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the son of the defacto complainant and three others on 16.02.2023 went for digging well, handled the explosives without any training and in the burst of the explosives they sustained injuries, in which three persons died and one person sustained injuries, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that the petitioner had engaged persons including one person to dig the well by using explosives and unfortunately



the explosives exploded, due to which four persons sustained injuries in which three persons died. The injured person was discharged from the hospital. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration 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, Alangulam on further conditions that:

[b] 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.

[c] the petitioner shall stay at Melmaruvathur and report before the Melmaruvathur Police Station daily at 10.30 A.M. and 5.30P.M., for a period of four weeks and thereafter before the respondent police daily at 10.30 A.M. and 5.30P.M., for a period of four weeks.

[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.

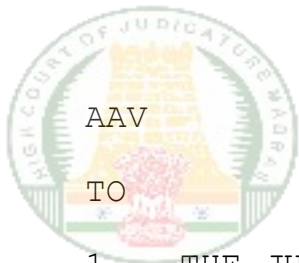
[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/03/2023

/ TRUE COPY /

15/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- 1 THE JUDICIAL MAGISTRATE,
ALANGULAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION, TENKASI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO
THE INSPECTOR OF POLICE,
MELMARUVATHUR POLICE STATION,
MELMARUVATHUR.

+1 CC to M/s.ALWIN BALAN P.P, Advocate (SR-4308[I] dated 15/03/2023)

ORDER
IN
CRL OP(MD) No.4912 of 2023
Date :15/03/2023

PKP/MMS/SAR- /15.03.2023/ **3P/8C**