



Crl.O.P.No.16826 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Crl.O.P.No.16826 of 2024

1. Amirthavasan
2. Sanjai
3. Mathan
4. Rathakrishnan

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Vaitheeswarankoil Police Station,
Nagapattinam Dt.
(Crime No.168 of 2024)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.168 of 2024 pending on the file of respondent police.

For Petitioners : Ms.P.Indhumathi

For Respondent : Mr.V.Meganathan,
Govt. Advocate (Crl. Side)



Crl.O.P.No.16826 of 2024

ORDER

WEB COPY

The petitioners, who were arrested and remanded to judicial custody on 01.06.2024 for the alleged offence under Sections 147, 148 of I.P.C. r/w Sec.4(a) of Explosive Substances Act in Crime No.168 of 2024 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 31.05.2024 around 12.00 hours, when the Muthumariamman Veedhiula was held in the Vaidyanathapuram village, at that time, the petitioners along with other accused said to have threw petrol bomb on the crowd and ran away, however no one was injured. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that there is no specific overtact attributed against the petitioners and they are no way connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would further submit



Crl.O.P.No.16826 of 2024

WEB COPY

that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 47 days from 01.06.2024. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that when Muthumariamman Veedhiula was held in Vaidyanathapuram village, the petitioners have threw petrol bom in a crowd and ran away from there. He would submit that in the said occurrence, no one was injured. He would submit that totally there are eight accused involved in this case, in which the petitioners are arrayed as A2, A4, A5 and A75. He would submit that that if they are released on bail, they may abscond and they would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. Considering the above facts and circumstances, and the fact that investigation is almost completed, and according to prosecution, the petitioners have threw petrol bomb on the crowd gathered at Vaidyanathapuram Muthumariamman temple festival, in which no one



CrI.O.P.No.16826 of 2024

injured in the said occurrence and also considering the period of incarceration undergone by the petitioners from 01.06.2024 for more than 47 days, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of registered Advocate Clerks Association, Nagapattinam and on such deposit**, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *Judicial Magistrate, Sirkali, Mayiladuthurai District*, and on further conditions that:

(a) 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;

(b) the petitioners shall report before the respondent police on alternative days at 10.30 a.m. for the period of three months ;

(c) the petitioners shall not commit any offences of



Crl.O.P.No.16826 of 2024

similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 can be registered under Section 229A IPC.

18.07.2024

rpp

To

1. The Judicial Magistrate, Sirkali, Mayiladuthurai Dt.
2. Inspector of Police, Vaitheswarankoil Police Station, Nagapattinam Dt.
3. The Superintendent of Prison, Prison, Sirkali, Mayiladuthurai Dt.
4. The Public Prosecutor, High Court of Madras, Chennai.

T.V. THAMILSELVI, J.



WEB COPY



Crl.O.P.No.16826 of 2024

rpp

Crl.O.P.No. 16826 of 2024

18.07.2024