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Crl.O.P.No.19480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19480 of 2024

K.Manikandan

...Petitioner/Accused-1

Vs.

The State rep by,
The Inspector of Police,
Alandurai Police Station,
Coimbatore District.
(Crime No.114 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S., 2023, praying to enlarge the petitioner on bail in Crime No.114 of 2024 on the file of respondent police.

For Petitioner : Mr.K.Prabhakaran

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.07.2024 for the offence under Section 4(b) of the Explosive Substances Act, in Crime No.114 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner/A1 was found in illegal possession of country bombs in the house of the second accused, and the same has been used to hunt wild animals. Hence, the case.

3. Learned counsel for the petitioner/A1 submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submitted that the petitioner is a law-abiding citizen, and he is ready to furnish substantial sureties for his due release on bail; therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that there are three accused in this case; the petitioner is arrayed as A1 in this case; that the petitioner/A1 was found in illegal possession of country bombs in the house of the second accused, and the same has been used to hunt wild animals. He further submitted that there are no previous cases pending against the petitioner. However, he vehemently objected to granting bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, the fact that no previous case is pending against the petitioner, and also taking into consideration the period of incarceration undergone by the petitioner/A1, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the

Judicial Magistrate – V, Coimbatore, and on further conditions that:

[a] the petitioner shall report before the respondent police, everyday at 10.30 a.m., until further orders;

[b] the petitioner shall not abscond either during investigation or trial;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] 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];

[e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

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To

- 1.The Judicial Magistrate - V,
Coimbatore.
- 2.Central Prison, Coimbatore.
- 3.The Inspector of Police,
Alandurai Police Station,
Coimbatore District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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