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Crl.O.P.No.26387 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.26387 of 2024

Abinesh Rozario @ Rozario

... Petitioner/A1

Vs.

The State represented by,
The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.

(Crime No.384 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail in Crime No.384 of 2024 on the file of the respondent police.

For Petitioner : Mr.M.Kalaiyaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.10.2024, seeking bail in Crime No.384 of 2024 registered for the offence under Sections



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296(b), 115(2), 351(3), 326(g) of BNS, 2023, and Sections 9(B)(1)(a),
9(B)(1)(b) of Explosives Act.

2. The case of the prosecution is that on 05.10.2024, the petitioner along with the other accused, assaulted the defacto complainant and his friends with hands and legs and on the same day, at about 11.00 p.m., the defacto complainant had heard bomb scanned with OKEN Scanner Blast sound and when he came outside his house, he saw that the front door and wall of his house were damaged. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is innocent and a false complaint has been given. He further submitted that the petitioner is aged 19 years and the petitioner has been in custody from 14.10.2024. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner,



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submitted that the petitioner is a drunk addicted and due to previous enmity, the petitioner along with the other accused thrown a bomb in front of the defacto complainant and caused damages. He further submitted that there is one previous case against the petitioner similar in nature and the proposal for detaining the petitioner under Tamil Nadu Act 14 of 1982 is still pending for approval.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter affidavit filed by the respondent.

6. On the earlier occasion, time was sought by the learned Government Advocate stating that since the petitioner is involved in an earlier case of Explosives Act, and a proposal has been initiated by the respondent for detaining the petitioner under Act 14 of 1982 and thereby, the case was adjourned twice. Even today, adjournment is sought for by the learned Government Advocate.



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7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and the fact that the age of the petitioner is 19 years and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties (one of the surety shall be either the father or the mother of the petitioner)**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Villupuram**, 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 shall report before the respondent police daily at 10.30 a.m and 6.30 p.m., until further orders.

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence



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or witness during trial;

[e] 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

14.11.2024

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To

1. The Judicial Magistrate No.I, Villupuram.
- 2.The Inspector of Police,
Villupuram Town Police Station,
Villupuram District.
- 3.District Jail, Villupuram.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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