



Crl.O.P.No.26396 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.26396 of 2024

1. Harshan

2. Hariprasth

... Petitioners/Accused

Vs.

The State rep. by
Station House Officer
Virdhchalam Police Station,
Cuddalore District.
(Crime No.539 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioners on bail in Crime No.539 of 2024 on the file of respondent police.

For Petitioners : Mr.M.Selvam

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 11.10.2024 for the offences under Sections 288 of the BNS r/w 9(B) (1)(a), 9(B)(1)(b) of the Explosive Act 1984 and 4(b) of the Explosive Substance Acts in Crime No.539 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner sold the crackers in his fancy store without any license and proper permission. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case; that they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been in judicial custody since 11.10.2024; that they are ready to furnish substantial sureties for their due release on bail and to abide by any conditions that may be imposed by this Court; and therefore, he prayed for the grant of bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) for the respondent police submitted that the petitioner sold the crackers in his fancy store without any license and proper permission. He further submitted that there are no previous cases pending as against the petitioners. However, he vehemently opposed the grant of bail to the petitioners.

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

6. Considering the representation made by both sides, the nature of the offences charged against the petitioners, that there are no previous cases pending against the petitioners and considering the incarceration period undergone by the petitioners from 11.10.2024, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each** with two sureties, each for a like sum to the satisfaction of the ***Judicial Magistrate No.I, Virdhchalam*** and on further conditions that:



[a] the petitioners shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for the interrogation;

[b] the petitioners shall attend in accordance with the conditions of the bond;

[c] the petitioners shall not commit any offences of similar to the offence of which they are accused, or suspected, or of the commission of which they suspected;

[d] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[e] the petitioners shall not abscond 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]; and



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

23.10.2024

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To

- 1.The Judicial Magistrate No.I,
Virdhchalam.
- 2.The Central Prison,
Cuddalore.
- 3.The Station House Officer
Virdhchalam Police Station,
Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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