



CRL OP(MD). No.2933 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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A.Selvam

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.16/2024.

... Respondent/Complainant

For Petitioner : Mr.E.Mareeskumar, Advocate.

For Respondent : Mr.B.Nambiselvan, Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.16/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 29.01.2024 for the offence punishable under Sections 286, 338, and 304(ii) IPC and Section 3 of Explosive Substances Act, 1908 in Crime No.16 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner is said to have illegally kept



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the explosives substances in his house for preparing the crackers. The said substance burst in the house of the accused and due to which, the deceased died. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner has been falsely implicated in this case. However, on instructions, he would submit that the petitioner is ready to deposit a sum of Rs.2,00,000/- to the credit of Crime No.16 of 2024 before the trial Court without prejudice to his rights and contentions and the trial Court may disburse the said amount to the family of the deceased. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is yet to be completed.

5. Heard the learned counsel on either side.

6. Considering the facts and circumstances of the case and the period of incarceration suffered by the petitioner, this court is inclined to grant bail to the petitioner, subject to the following 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 only) with two sureties, each



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for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi,
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 is directed to appear before the respondent police for a period of two weeks at 10.30 A.M., and thereafter, as and when required for interrogation.

(c) as per the undertaking given by the petitioner, the petitioner shall make a payment of Rs.2,00,000/- (Rupees Two Lakhs only) within a period of two weeks from the date of receipt of a copy of this order to the credit of Crime No.16 of 2024 before the learned Judicial Magistrate No.I, Sivakasi without prejudice to his rights and contentions and the trial Court may disburse the said amount to the family of the deceased proportionally without filing any formal application and after getting an undertaking from the family of the deceased that they will return the said amount to the petitioner subject to the outcome of the trial.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



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(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/02/2024

/ TRUE COPY /

28/02/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I, SIVAKASI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE, VIRUDHUNAGAR DISTRICT JAIL,
VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE, AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

<https://www.mmc.tn.gov.in/judis>



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+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-2492[I] dated 28/02/2024)

ORDER

IN

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Date :28/02/2024

RS//SAR-(28.02.2024) 5P 7C

Madurai Bench of Madras High Court is issuing
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