



CRL OP(MD). No.3040 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.3040 of 2024

1.V.Muniyasamy

2.Murugan

... Petitioners/Petitioners / Accused Nos.2 & 3

Vs

State Rep.by
The Sub-Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.24 of 2024.

... Respondent/Respondent / Complainant

For Petitioners : Mr.M.Suresh Kumar,
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.24 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2 and 3, who were arrested and remanded to



CRL OP(MD). No.3040 of 2024

judicial custody on 04.02.2024 for the alleged offence punishable under Sections 286, 353 and 506(ii) IPC and Section 3 of Explosive Substances Act, 1908, in Crime No.24 of 2024 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioners and other accused persons illegally manufactured and stored fireworks and the same was blasted unexpectedly. This was noticed by the defacto complainant and her assistant, while they were on duty and when the same was questioned by the defacto complainant, they were criminally intimidated. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution. They are no way connected with the alleged occurrence. Actually, the first petitioner is doing construction business and the second petitioner is his assistant. They purchased steel sheds from the first accused and the same was stored at the occurrence place. While dismantling the steel shed, the blast took place. He would further submit that the petitioners are in judicial custody from 04.02.2024, hence, they pray for bail.



CRL OP(MD). No.3040 of 2024

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4. The learned Additional Public Prosecutor appearing for the respondent Police strongly opposed to grant bail to the petitioners, stating that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the period of incarceration suffered by the petitioners and the nature of allegation levelled against the petitioners, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

6. 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 learned Judicial Magistrate No.II, Virudhunagar District, 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 petitioners are directed to appear before the respondent Police daily at 10.30 a.m., until further orders;



CRL OP(MD). No.3040 of 2024

WEB COPY

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

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

(e)on breach of any of the aforesaid conditions, the learned 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;

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

sd/-
27/02/2024

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27/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Indu



CRL OP(MD). No.3040 of 2024

TO

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- 1.The Judicial Magistrate No.II,
Virudhunagar District.
 2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
 - 3.The Officer Incharge,
Central Sub Jail, Virudhunagar.
 - 4.The Sub-Inspector of Police,
Amathur Police Station,
Virudhunagar District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 CC to M/s.M.SURESHKUMAR, Advocate (SR-2425[I] dated 27/02/2024)

ORDER

IN

CRL OP(MD) No.3040 of 2024

Date :27/02/2024

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