



CRL OP(MD). No.9597 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/07/2024

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.9597 of 2024

Kumaresan @ Kumarasamy

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Namanasamduram Police Station,
Pudukottai District.
Crime No.67 of 2024

... Respondent/Complainant

For Petitioner : M/s.G.Mathavan, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.67 of 2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 18.06.2024 for the offence punishable under Section 3(a) of Explosive Substances Act, 1908 and Section 4 of Prevention of Damage to Public Property Act, 1984, in crime No.67 of 2024 on the file of the respondent police, seeks bail.



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2.The case of the prosecution is that due to previous enmity, on 18.06.2024, at about 03.15 a.m, when the defacto complainant sleeping along with his friends in his Cow Shed, the petitioner along with other accused, went there and set fire on the hay by using petrol bomb. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is not at all present in the scene of occurrence. His name was falsely implicated in this case. The petitioner is in judicial custody from 18.06.2024. Hence, he may be released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having 2 previous cases and the investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the period of incarceration and also considering the gravity of the offence, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumayam, Pudukkottai District.

(i)the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial.

(v)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].

(vi) If the accused thereafter abscond, a fresh FIR can be registration under Section 229A IPC.

sd/-
01/07/2024

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01/07/2024

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

DSS



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TO

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1 THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKKOTTAI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE OFFICER INCHARGE, DISTRICT PRISON, PUDUKKOTTAI..

4 THE INSPECTOR OF POLICE, NAMANASAMDURAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.G.MATHAVAN, Advocate (SR-7173[I] dated 01/07/2024)

ORDER

IN

CRL OP(MD) No.9597 of 2024

Date :01/07/2024

RS//SAR-(01.07.2024) 4P 7C

Madurai Bench of Madras High Court is issuing
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