



CRL OP(MD). No.15541 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.09.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15541 of 2024

Sivakumar

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Periyakulam Police Station,
Theni District,
(Crime No.183/2024.)

... Respondent/Complainant

For Petitioner : Mr.K.Gokul, Advocate.

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.183/2024 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who is arrested and remanded to judicial custody on
26.08.2024 for the offence punishable under Section 5(A) of Explosive Substances



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Act, in Crime No.183 of 2024 on the file of the respondent police, seek bail.

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2.The case of the prosecution is that the petitioner and other accused had 29 counts of explosives for the purpose of hunting wild animals. Hence, the complainant.

3.Heard the learned counsel on either side and perused the material records of the case.

4.The allegations against the petitioner is that the petitioner and the other accused travelling with him in the bike are said to have been in possession of Autkaaikal(அவுட்காய்கள்) and it is stated that they have made the explosives for the purpose of hunting wild animals. The making of Autkaaikal(அவுட்காய்கள்) is a dangerous thing, leading to the death, not only to the wild boars, but, also leading to the death of elephants and the human beings. As such, the Division Bench of this Court to which I am also the party have been issuing directions to both the forest officials and the police to undertake joint patrolling to unearth these kind of persons, who are making Autkaaikal(அவுட்காய்கள்). Therefore, this case shall also be placed before the District collector and the Superintendent of police concerned for unearthing from where the explosives are supplied and from where the Autkaaikal (அவுட்காய்கள்) are made.

5. Considering the facts and circumstances of the case and considering the fact



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that the petitioner is in judicial custody from on 26.08.2024 and that there are no bad antecedents against the petitioner, I am inclined to enlarge the petitioner on bail with certain conditions.

5. 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, Periyakulam.

(i) the sureties shall affix their photographs and left thumb impression in the 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., for a period of four weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
13/09/2024

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13/09/2024
Sub-Assistant Registrar (AD II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR

To

1.The Judicial Magistrate,
Periyakulam.

2.Do through the Chief Judicial Magistrate,
Theni District.

3.The Inspector of Police,
Periyakulam Police Station,
Theni District.

4.The Officer Incharge,
Thekampatti Central Jail, Theni.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.GOKUL, Advocate (SR-11318[I] dated 13/09/2024)



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ORDER
IN
CRL OP(MD) No.15541 of 2024
Date :13/09/2024

ED/ /SAR- (13/09/2024) 5P / 7C

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