



CRL OP(MD). No.17274 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

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1. Mukesh @ Mooli,

2. Selvarajan,

3. Muthuvel @ Satheesh,

4. Mariappan,

... Petitioners/ Accused Nos.3,6,7&10

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Chinnamanur Police Station,
Theni District.

Crime No. 379/2024.

... Respondent/Complainant

For Petitioners: M/s.Jeyasankar.P,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.379 of 2024 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioners/A3, A6, A7 & A10, who were arrested and remanded to judicial

custody on 26.09.2024 for the offences punishable under Sections 326(g) of BNS and 3

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



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of Explosive Substance Act, 1908, @ Sections 61, 326(g) & 248 of BNS and Sections 3 & 6 of Explosive Act, in Crime No.379 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to inter party enmity, at the instigation of A1, who is the District Secretary of political Party, these petitioners are said to have thrown the petrol Bombs on the residence of the defacto complainant. Thereby, caused damage to the house. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and due to political rivalry, they have been falsely implicated in this case. He would further submit that no previous case is pending against the petitioner and the petitioners are in custody from 26.09.2024 and hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that due to inter party enmity, at the instigation of A1, who is the Secretary of political Party, these petitioners are said to have thrown the petrol Bombs on the house of the Accused No.1 and caused damage to the house. He would further submit that there is specific overt act against the first petitioner that he has participated in the unlawful assembly and no previous case is pending against the petitioners 2 to 4.

5. Since there is specific overt act against the first petitioner that he along with another accused hurled petrol bombs, this petition is dismissed as against the first



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petitioner is concerned.

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6. Insofar as the petitioners 2 to 4 are concerned, considering the facts and circumstances of the case and considering the fact that no previous case is pending against the petitioners 2 to 4 and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners 2 to 4 on certain conditions.

7. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 to 4 are ordered to be released on bail, on executing a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District.

(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 petitioners 2 to 4 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(iii) the petitioners 2 to 4 shall not tamper with evidence or witness;

iv) the petitioners 2 to 4 shall not abscond during trial.

v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial



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Court is entitled to take appropriate action against the petitioners 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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 registered under Section 229A IPC.

sd/-
09/10/2024

/ TRUE COPY /

09/10/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

4 THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

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



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+1 CC to M/s.P.JEYASANKAR, Advocate (SR-12350[I] dated 09/10/2024)

ORDER
IN
CRL OP(MD) No.17274 of 2024
Date :09/10/2024

SA/SAR. /09.10.2024/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.