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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.11.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). Nos.20119 and 20152 of 2024

Pandithurai

... Petitioner/ Accused No.3
(in CRL OP(MD). No.20119 of 2024)

Bahrudeen

... Petitioner / Accused No.4
(in CRL OP(MD). No.20152 of 2024)

Vs

The State of Tamil Nadu
rep by the Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.

Crime No. 395 of 2024.

... Respondent/Complainant
(in both cases)

For Petitioner : Mr.A.Feroz Khan,
Advocate.
(in CRL OP(MD).No.20119 of 2024)

For Petitioner : Mr.K.M.Karunakaran,
Advocate.
(in CRL OP(MD).No.20152 of 2024)



For Respondent : Mr.S.Ravi,
Additional Public Prosecutor
(in both cases)

PETITIONS FOR BAIL Under Sec.483 of BNSS, 2023.

PRAYER :-

For Bail in Crime No. 395 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners / Accused, who were arrested and remanded to judicial custody on 11.11.2024 for the offence under Sections 4(b) of Explosive Substances Act, 1908 and Section 288 of BNS, in Crime No.395 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the accused persons were involved in manufacturing 105 country bombs. There are totally 4 accused persons in this case and the petitioners have been arrayed as A3 and A4. The specific allegation against the petitioners is that both of them are licensed cracker manufacturers and A4 has supplied the raw materials to A3 without any receipt and A3, in turn, had sold them to A1 and A2 and the same was used to prepare the said country bombs.

3. Heard the learned counsels appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.



4. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioners are licensed cracker manufacturers and there are no previous cases against the petitioners and they have suffered incarceration from 11.11.2024, this Court is inclined to grant bail to the petitioners subject to the following conditions.

5. 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, Sivagangai, 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 shall report before the respondent Police on every Monday and Friday at 10.30 a.m until further orders.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
20/11/2024

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

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TO

- 1.The Judicial Magistrate No.II,
Sivagangai.
- 2.Do Through
The Chief Judicial Magistrate No.II,
Sivagangai.
- 3.The Officer-in-Charge,
Central Prison,
Trichy.
- 4.The Officer-in-Charge,
Central Prison,
Madurai.



5. The State of Tamil Nadu,
Rep.by.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.

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

ORDER
IN
CRL OP(MD) No.20119 of 2024
Date :20/11/2024

KVL/20.11.2024 5P/7C

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