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Crl.O.P.Nos.3052 & 3918 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.Nos.3052 & 3918 of 2025

1. Krishnan ... Petitioner in Crl.O.P.No.3052 of 2025 / A2
2. Dharuman ... Petitioner in Crl.O.P.No.3918 of 2025 / A1

Vs.

The State represented by,
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
(Crime No.28 of 2025). ... Respondent in both cases

PRAYER: Criminal Original Petitions filed under Section 483 of BNSS, pleaded to enlarge the petitioners on bail, in connection with the Crime No.28 of 2025, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.Sakkarapani

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Original Petitions have been filed by the petitioners, who were arrested and remanded to judicial custody on 19.01.2025, seeking bail in Crime No.28 of 2025 registered for the offence under Sections 105 of BNS and



Crl.O.P.Nos.3052 & 3918 of 2025

Sections 3(a), 4(b), 5 of Explosive Substance Act 1908.

2. The case of the prosecution is that the petitioners/A1 and A2, had stored country made bombs in their house in order to hunt wild boar; and that the victim who was closely related to them had come to their house and at that time, one of the bombs exploded, which caused the death of the victim aged about six years.

3. The learned counsel appearing for the petitioners would submit that the petitioners had no intention to cause the death of the victim; that it was a case of accident; that in any case, considering the period of incarceration; and since further custody is not required for the purpose of investigation, they may be released on bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the bail petition, reiterated the prosecution case and submitted that on account of illegal act of storing explosive substances, the victim aged about six years was done to death. He further submitted that there are no previous cases against the petitioners.



Crl.O.P.Nos.3052 & 3918 of 2025

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5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Admittedly, there are no previous cases against the petitioners. The country made bombs were kept to hunt wild boars. The allegations suggest that it is a case of an accident.

7. Therefore, though the act of storing explosive substances by the petitioners is illegal, considering the aforesaid facts, the nature of allegations, period of incarceration and since further custody is not required for the purpose of investigation, this Court is inclined to grant bail to both the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their 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



CrI.O.P.Nos.3052 & 3918 of 2025

District Munsif and Judicial Magistrate, Karimangalam, 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, everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 B.N.S.

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To

1. The District Munsif and Judicial Magistrate,
Karimangalam,
2. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.
3. The Superintendent,
Sub Jail, Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.Nos.3052 & 3918 of 2025

SUNDER MOHAN., J.

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Crl.O.P.Nos.3052 & 3918 of 2025

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