

(2023) 11 MAD CK 0130

Madras High Court

Case No: Criminal Original Petition No. 26449 Of 2023

Ashok And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision: Nov. 21, 2023

Acts Referred:

- Indian Penal Code, 1860 - Section 120(B), 299A, 302
- Explosive Substances Act, 1908 - Section 3

Hon'ble Judges: G.Ilangovan, J

Bench: Single Bench

Advocate: S.Senthilvel, R.Kishore Kumar

Judgement

C.V.Karthikeyan, J

1. The petitioners seeks bail in Crime No.977 of 2023 registered by the respondent Police, for the offences under Sections 120(B), 302 of IPC and Section 3 of Explosive Substances Act, 1908 @ Sections 120(B), 147, 148, 341, 302 and 201 of IPC r/w Section 3 of Indian Explosive Substance Act, 1908.

2.The petitioners are arrayed as A3, A10 and A12. The petitioners had been remanded to judicial custody on 07.09.2023, 13.09.2023 and 07.09.2023 respectively.

3.There are totally 20 accused in this case. It must also be stated that A6, A7 and yet another accused had been granted bail.

4.It is the case of the prosecution that on 05.09.2023, when the husband of the defacto complainant was proceeding from Perambakkam to Mevalur Kuppam in an auto, 5 persons came in a car and hit the auto and when her husband try to escape, they threw a country bomb and later assaulted him with knife leading to death.

5.On the side of the respondent, it is stated that the investigation has been completed. There is no previous case against the first petitioner, there are three

previous cases against the second petitioner and there are two previous cases against the third petitioner.

6.The learned counsel for the petitioner stated that the petitioners have been in custody for considerable period of time.

7.Taking into consideration the period of incarceration and that the other accused had been granted bail and the investigation has been practically completed, this Court is inclined to grant bail to the\ petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate 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, Sriperumbudur, and on further conditions that :-

[a] the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

[b] the petitioners shall report before the respondent police everyday twice at 10.30 a.m and 5.30 p.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 229A IPC.