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**(2024) 03 MAD CK 0119**

**Madras High Court**

**Case No:** Criminal Original Petition No. 4838 Of 2024

Thiyagu @ Thiyagarajan

APPELLANT

Vs

Inspector Of Police

RESPONDENT

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**Date of Decision:** March 28, 2024

**Acts Referred:**

- Indian Penal Code, 1860 - Section 120(b), 147, 148, 229A, 294(b), 307, 323, 324, 341, 506(ii)
- Explosive Substances Act, 1908 - Section 4, 5

**Hon'ble Judges:** C.V.Karthikeyan, J

**Bench:** Single Bench

**Advocate:** P. Thamarai Selvan, L.Baskaran

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**Judgement**

C.V.Karthikeyan, J

1. The petitioner in S.C.No. 211 of 2023, now pending before the Principal District Judge, Villupuram District, seeks bail for the offences registered by the respondent police under Sections 147,148,294(b), 323,341,324,307,506(ii),120(b), 302 of I.P.C r/w Sections 4,5 of Explosive Substance Act in Crime No.375 of 2016.

2.The petitioner was remanded to judicial custody on 07.07.2022 on execution of Non Bailable Warrant on 09.09.2021 seeks bail.

3. The learned Government Advocate(Crl side) appearing for the respondent raised objection stating that there are 57 previous cases pending against the petitioner. But, however even after considering that particular fact the petitioner had been granted bail earlier. It is further contended by the learned Government Advocate that pending these case the petitioner was involved in yet another case under Section 302 of I.P.C and was arrested in that particular case on 09.09.2021 on execution of Non Bailable Warrant. It is also stated that all the other accused in this case have been granted bail.

4. This Court had earlier adjourned the matter on three or four occasions on the belief that charges would be framed. But, now it is stated that the matter is listed on 14.04.2024.

5. The learned counsel for the petitioner submitted that out of two sureties one surety will be wife of the petitioner. The learned Judicial Magistrate must take up the responsibility of testing the sureties.

6. Taking all factors into consideration and also the fact that the petitioner should be given an opportunity to defend himself during the trial process I am inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two fresh sureties (out of which one surety is a blood related surety), each for a like sum to the satisfaction of the learned Principal District Judge, Villupuram District 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 petitioner shall report before the respondent police everyday at 10.30 a.m until further orders and also report before the learned Principal District Judge, Villupuram District where S.C.No. 211 of 2023 is pending everyday at 5.00 p.m., till completion of trial, apart from the Court hearing dates.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.