



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Twenty Fourth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.1574 of 2017

V.KARTHI @ DURAIPANDI

... PETITIONER/ACCUSED RANK NOT KNOWN

Vs

STATE REP.BY ,
THE SUB-INSPECTOR OF POLICE
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.23/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.B.SUNDHARESHWAR Advocate

For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

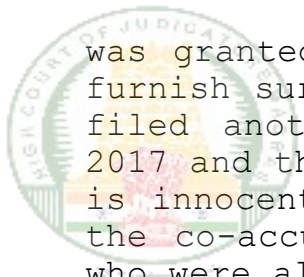
The petitioner, who is arrayed as A-3, in Crime No.23 of 2016 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 5(a) of Explosives Substance Act and hence, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the respondent/State.

3.The learned Government Advocate(Crl. Side) appearing for the respondent on instructions submitted that totally there are three accused in this case and the petitioner herein is A-3 and A-1 and A-2 were arrested and released on bail by the concerned Sessions Judge.

4. The case of the prosecution is that the accused are in possession of explosive substances and those explosive substances were recovered from the first and second accused and the petitioner herein is arrayed as A3. It is further submitted that the petitioner was implicated in this case on the basis of the confession of A1. He would further submit that the petitioner is not having any previous case and investigation was completed and final report is yet to be filed.

5. The learned counsel for the petitioner states that the petitioner herein filed anticipatory bail application in Crl.M.P.No.546 of 2016 before the concerned Sessions Judge and he



was granted anticipatory bail on 12.03.2016 and since he failed to furnish sureties as per the above order, the present petitioner has filed another anticipatory bail application in CrI.M.P.No.163 of 2017 and the same was dismissed on 07.02.2017. The petitioner herein is innocent and he is implicated on the basis of the confession of the co-accused and the contraband was seized only from A1 and A2, who were already released on bail by the Sessions Court.

6. Considering the facts and circumstances of the case and also the fact that the co-accused were released on bail from whom explosive substances were recovered by the respondent police and the petitioner is implicated on the basis of confession of co-accused in this case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tiruvadanai, and on his executing a 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
24/02/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
- 3 THE SUB-INSPECTOR OF POLICE
THONDI POLICE STATION, RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.B.SUNDHARESHWAR Advocate SR.No.10683

ORDER

IN

CRL OP(MD) No.1574 of 2017

Date : 24/02/2017

CM

<https://hcservices.courts.gov.in/hcservices/>

CSL/IN-PR/SAR-1/28.02.2017 : 2P/6C