

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.14350 of 2018

RAVINDARAKUMAR

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
STATION HOUSE OFFICER,
KALAPET POLICE STATION,
KALAPET, PONDICHERRY.
CR.NO.26 OF 2018.

[RESPONDENT]

For Petitioner : M/S.B.BALAVIJAYAN Advocate

For Respondent : M/S.BHARATH CHAKKARAVARTHY, PUBLIC PROSECUTOR
[PONDICHERRY]

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 286 of IPC and Section 3 of Explosives Substance Act r/w 149 of IPC in Crime No.26 of 2017 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to previous enmity, the petitioner along with other accused is said to have burst the country made bomb in front of the defacto complainant's shop and thereby committed the offence.

4. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. Hence, the petitioner may be granted anticipatory bail.

5. The learned Additional Public Prosecutor(Pondicherry) submitted that the petitioner along with the other accused have hurdled the country made bomb in front of the defacto complainant's shop and that there is no previous case as against the petitioner.

6. Taking into consideration of the fact that there is no previous case as against the petitioner, this Court is inclined to

grant anticipatory bail to the petitioner subject to the following conditions.

7. (i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Pondicherry, within a period of 15 days from the date of receipt of a copy of this order, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner stay at Mahe and report before the respondent police, daily at 10.30 a.m and 05.30 p.m., until further orders, as and when required before the respondent police for interrogation.

[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 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.

-sd/-
27/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY.

3 THE STATION HOUSE OFFICER,
KALAPET POLICE STATION,
KALAPET, PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PONDICHERRY.

+1CC to M/S.B.BALAVIJAYAN Advocate on payment of necessary
charges in SR.NO. 11834

+1CC to GOVERNMENT PLEADER FOR PUDUCHERRY in SR.NO.11788

CRL OP.14350/2018

Date :27/06/2018

MLT-02/07/2018