



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

Thursday, the Eighth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3429 of 2018

RAJAMOHAN

... PETITIONER / ACCUSED No.1

Vs

THE STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
KEELAVALAVU POLICE STATION,  
MADURAI DISTRICT.  
(CRIME NO.206 OF 2012)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUNIYANDI, Advocate for  
Mr.R.MARIAPPAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate ( Crl. Side)

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

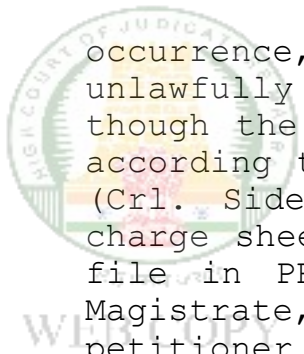
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused no.1, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 120(b) of IPC and Section 6 r/w. 3(a), 4(a), 4(b) and 5(a) of Explosive Substance Act, 1908, in Crime No.206 of 2012, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are alleged to have found in possession of explosive substances wire at the land, which was used for taking granite at the land. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case has been completed and the charge sheet has been filed and the same was taken on file in P.R.C.No.52 of 2016 on the file of the learned Judicial Magistrate, Melur.



occurrence, the petitioner after conspiracy with other accused, unlawfully found in possession of explosive substances wire. Even though the offence committed by the petitioner is grave in nature, according to the submission made by the learned Government Advocate (Crl. Side), as of now, after completing the investigation, the charge sheet has been filed in this case and the same was taken on file in PRC.No.52 of 2016, on the file of the learned Judicial Magistrate, Melur and the case is posted for appearance of the petitioner. In such circumstances, the custodial interrogation of the petitioner may not be necessary. Further, it is admitted by both sides that the petitioner is having permanent residence. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall appear before the trial Court daily at 10.00 am until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-  
08/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,  
MELUR, MADURAI DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,  
KEELAVALAVU POLICE STATION,  
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

+1. CC to M/S.R.MARIAPPAN Advocate SR.No.3692

TRP

JAM/13/03/2018/ CSL-RR / SAR 4/ 3P-6C

ORDER

IN

CRL OP(MD) No.3429 of 2018

Date :08/03/2018