



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

Thursday, the Fifteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3628 of 2018

1 M. BALASUBRAMANIAN

2 GOWTHAMAN

... PETITIONERS /3rd and 4th ACCUSED

Vs

THE STATE THROUGH

THE INSPECTOR OF POLICE

BAZAR POLICE STATION, RAMANATHAPURAM

UNDER CR.NO. 52/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.R.LAXMAN 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 petitioners / A3 & A4, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148 I.P.C and Section 3 and 4(a) of Explosive Substances Act, in Crime No.52 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to political motive, the first accused in this case along with other accused had thrown the petrol bomb upon the defacto complainant's house. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Criminal Side) appearing for the State submitted that totally there are four accused in this case. The petitioners herein are arrayed as A3 and A4. According to him, investigation is still pending.

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

5.The submissions made by the learned counsel appearing on



either side are considered. It is alleged, during the time of occurrence, the petitioners and other two accused in this case, due to political motive, threw the petrol bomb in the house of the defacto complainant and another one house. According to prosecution, as of now, the material objects were recovered. Initially, the case has been registered against the petitioners for the offences punishable under Sections 147, 148 I.P.C. r/w 3 and 4(a) of Explosive Substances Act. Thereafter, the same has been altered into under Sections 3 and 4(a) of Explosive Substances Act. Admittedly, the petitioners are the first offenders. Thereby, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 petitioners shall report before the respondent police daily at 10.00 a.m. Until further orders.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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].

sd/-
15/03/2018

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



1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE
BAZAR POLICE STATION,
RAMANATHAPURAM

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

+1. CC to M/S.K.R.LAXMAN Advocate SR.No.4353

MSA

JAM/03/04/2018/ RR / SAR 1 / 3P-6C

ORDER

IN

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Date :15/03/2018