



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

Monday, the Twelfth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.19498 of 2018

A.JOSEPH JOHN

... PETITIONER/ACCUSED No.8

Vs

THE INSPECTOR OF POLICE,
KEELAVALAVU POLICE STATION,
MADURAI DISTRICT.
IN CRIME NO.187/2012

... RESPONDENT/COMPLAINANT

For Petitioner : MR.M.BALAKRISHNAN, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor.

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 6 r/w 3(a) 4(a) Explosives Substances Act 4(i), 4(a), 4(b), 5(a) of Explosives Substance Act, 1908 in Crime No.187 of 2012, seeks anticipatory bail. The petitioner has been arrayed as Accused No.8 in the said case.

2. The contention of the petitioner is that there are totally nine accused in this case. The petitioner is a labourer working in the quarry. The quarry has been running by one Shankaranarayanan. The petitioner is the employee under Shankaranarayanan. The case of the petitioner is that the petitioner is said to have carried out illegal quarry works by the illegal use of gelating sticks and detonators in Keelavalavu Village. Hence, a complaint has been filed by the respondent Police.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working under Shanakaranarayanan and thereafter, for seeking better employment, he had moved out to various places. The petitioner was not aware of the pendency of the above case. In the meanwhile, the investigation has been completed by the respondent Police and filed a charge sheet before the learned



Judicial Magistrate, Melur, Madurai District and it was taken on file in P.R.C.No.42 of 2013. But in the final report, the petitioner's name has not been shown in Column No.2. The petitioner apprehends detention as the petitioner was not aware of the pendency of the above case and he had not so far sought in bail.

4.The Charge sheet has already been filed by the respondent Police and custodial interrogation of the petitioner is not necessary, this Court is inclined to grant anticipatory bail to the petitioner herein.

5.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, Madurai District on condition that the petitioner shall execute 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 said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the committal Court on all future hearing dates without any fail.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/11/2018

/ 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 MR.M.BALAKRISHNAN, Advocate SR.No.21388

ORDER

IN

CRL OP (MD) No.19498 of 2018

Date :12/11/2018

TSG

PK/PN/SAR-2/20.11.2018 : 3P/6C