



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2578 of 2019

1 S.KUMARESAN ALIAS UNNI
2 B.RAMANATHAN
3 K.KANAGARAJ
4 M.VELU
5 H.ABBAS

... PETITIONERS / ACCUSED NO. 2 TO 5 & 7

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO. 22/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.K.RAMANATHAN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Section 5 (a) of Explosive Substances (Amendment) Act, 2001, in Cr.No.22 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioners are fisher men and they have used explosive substance for fishing and the Law Enforcing Agency recovered 125 gram gelatin sticks and hence, the Law Enforcing Agency registered a case as against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that the petitioners are cooli workers and that the main accused was not arrested by the Law Enforcing Agency and hence, he would pray for anticipatory bail.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that the petitioners are cooli workers, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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 District Munsif-cum-Judicial Magistrate Court, Thiruvadanai, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/02/2019

/ 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 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.K.RAMANATHAN Advocate SR.No.3369

ORDER

IN

CRL OP(MD) No.2578 of 2019

Date :20/02/2019

JM/PN/SAR-1/27.02.2019/3P/6C