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

Monday, the Twenty Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2873 of 2019

SENTHIL @ SENTHILKUMAR ... PETITIONER / 1st ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.22/2019) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.S.JEYAKARTHIK Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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 alleged offence under Section 5 (a) of Explosive Substances Act, in Crime No.22 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner is a fisher men and he has illegally possessed with explosive substance for fishing and the Law Enforcing Agency recovered 40 gram gelatin sticks and hence, the Law Enforcing Agency registered a case as against the petitioners.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that the co-accused already released on anticipatory bail. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.10,000/- to the credit of Coastal Aquaculture Authority, without prejudice to his defence, for the development of the coastal.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police, on instructions would submit that Gelatin sticks was recovered and the investigation is still pending.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner is ready to pay an amount, this Court is inclined to grant anticipatory bail to the petitioner. 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, Thiruvadanai, Ramanathapuram 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 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 petitioner 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 petitioner shall pay a sum of Rs.10,000/- to the credit of the Member Secretary, Coastal Aquaculture Authority, GDR Tower, 12-A, Bharathi Street, Vanuva pettai, Madipakkam(PO), Chennai-600091 and produce the receipt before the learned Judicial Magistrate at the time of producing sureties;

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

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitiones shall not abscond either during investigation or trial;

(f)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 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];*** and;

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

sd/-
25/02/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANANI, RAMANATHAPURAM DISTRICT.

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

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

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate SR-3749

COPY TO:
THE MEMBER SECRETARY,
COASTAL AQUACULTURE AUTHORITY,
GDR TOWER, 12-A,
BHARATHI STREET, VANUVA PETTAI,
MADIPAKKAM(PO), CHENNAI-600091.

ORDER
IN
CRL OP(MD) No.2873 of 2019
Date :25/02/2019

JM/VR/SAR 1/04.03.2019/3P/7C

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