



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3103 of 2019

N.MUTHUKUMAR

... PETITIONER / ACCUSED No. 6

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.RAMANATHAN 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 offences under Section 5 (a) of Explosive Substances (Amendment) Act, 2001, in Cr.No.22 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner along with other accused persons was found in possession of 125 gram gelatin sticks which is used for catching fish.

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. It is a case in counter case. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit the property was recovered. He would also submit that co- accused in this case was granted anticipatory bail by this Court.

5.Considering the facts and circumstances of the case and since the co-accused in this case was granted anticipatory bail by this



Court, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, 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 District Munsif-cum-Judicial Magistrate Court, 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 learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall deposit a sum of Rs.5000/- (Rupees Five Thousand only) to the Credit of Member Secretary, Coastal Aqua Culture Authority, GDR Tower, 12-A Bharathi Street, Vanuvapetti, Madipakkam, P.O, Chennai-600 091, Tamil Nadu.

(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 petitioner 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 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]**; and;

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

sd/-
28/02/2019

/ TRUE COPY /

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

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT



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 MR.K.RAMANATHAN Advocate SR.No.3943

ORDER

IN

CRL OP(MD) No.3103 of 2019

Date :28/02/2019

MSI/MMS/SAR 2/08.03.2019/3P-6C