

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8092 of 2019

Baskaran

... Petitioner/Accused rank not known

Vs

State Rep.by

The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No.236/2019.

... Respondent/Complainant

For Petitioner : M/s.S.Bharathi,
Advocate.

For Respondent : Mrs.M.Ananthadevi
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No. 236 of 2019 on the file of the respondent police.

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 286, 337 of IPC., and Section 9 (B) (1) (a) of Explosive Act, 1884, Crime No.236 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that in the FIR, the name of the petitioner has not been mentioned and only after the arrest of the accused No.1, confession was obtained from him and based on the confession given by him, the petitioner has been herein arrayed as A7. He further submitted that the case of the prosecution is that, Al is running a crackers factory without obtaining necessary permit and in the said factory accident took place and two persons were

injured. He further submitted that the petitioner herein is no way connected with the said occurrence and he only supplied boxes for packing the crackers and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that it was only the accused No.1, who was running the crackers factory without getting necessary permit and first explored in the said factory, due to which, two persons sustained injuries, He also fairly conceded that the petitioner has supplied only boxes for packing crackers.

5.Taking into consideration of the fact aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is 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 Court, No.II, Sattur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-

14/06/2019

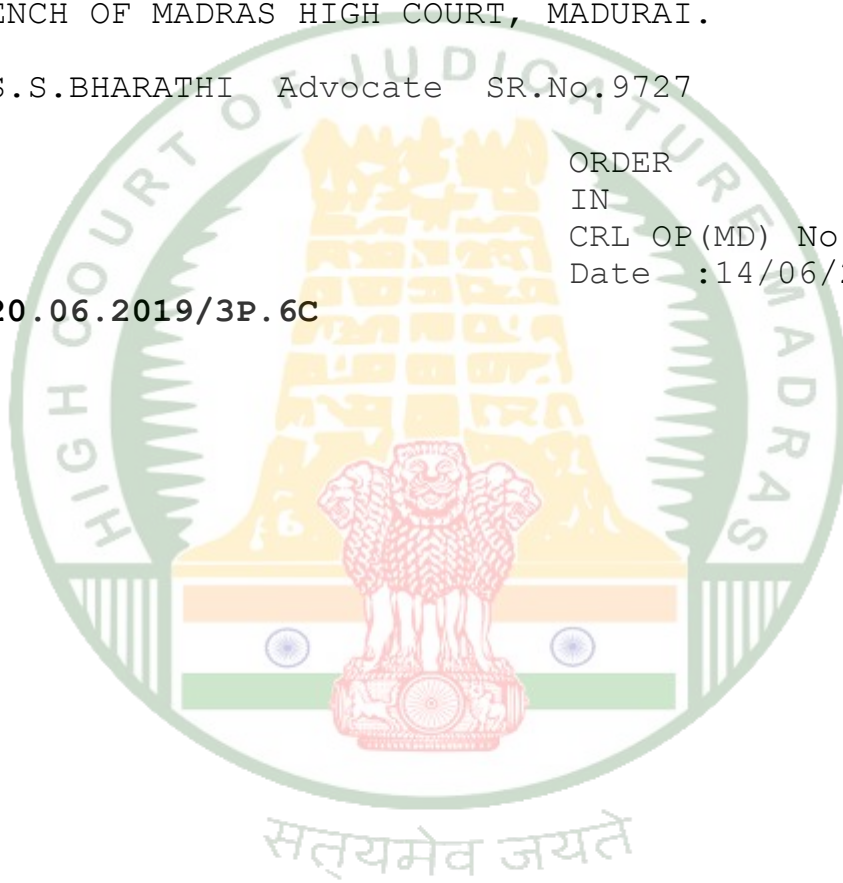
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TO

1. THE JUDICIAL MAGISTRATE NO.II, SATTUR.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION, VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.BHARATHI Advocate SR.No.9727

ORDER
IN
CRL OP (MD) No.8092 of 2019
Date :14/06/2019

MS/VR/SAR-4/20.06.2019/3P.6C



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