



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9874 of 2019

John

... Petitioner/Accused No.3

Vs

State rep. by
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Crime No. 184/2019.

... Respondent/Complainant

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

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

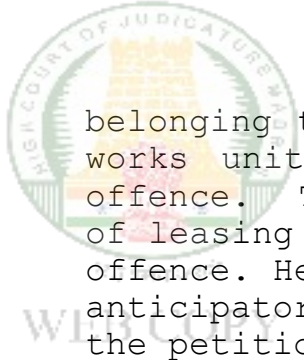
For Anticipatory Bail in Crime No.184 of 2019 on the file of the Respondent Police.

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, 427 IPC and Section 9 (B) (1) (a) of Explosives Act, 1984, in Crime No.184 of 2019, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 08.05.2018 at about 06.15 p.m, the defacto complainant along with the Revenue Inspector went to the place of occurrence and found that thatched roof was burnt due to the explosion of crackers. It is alleged that a vacant land



belonging to the petitioner was used by A1 & A2 for running a fire works unit, without getting valid licence and thereby, committed offence. The learned counsel further submitted that except the act of leasing out land to A1 & A2, the petitioner has not committed any offence. He further submitted that A1 & A2 were already released on anticipatory bail, and therefore, he prayed for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner has leased out his land for running a fireworks factory to A1 & A2. Further, A1 & A2 were running a fireworks factory without getting appropriate license from the concerned authorities. Due to the explosion, some of nearby residing people had sustained injury. Hence, he opposed this petition.

5. The allegation against the petitioner herein is that he leased out his land for running a fireworks factory to A1 & A2. A1 & A2 were running a fire works factory, without getting appropriate license from the concerned authorities. Considering the fact that already the Sessions Court has granted anticipatory bail to A1 and this Court has granted anticipatory bail to A2. Taking into consideration the above said facts, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Sattur, Virudhunagar District, on condition that the petitioner 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 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.

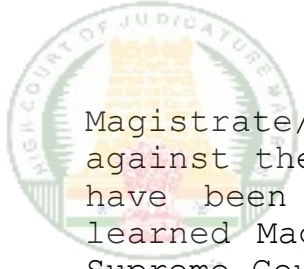
(ii) since the petitioner is Government Servant, she shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police for interrogation.

(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.

<https://hcservices.ecourts.gov.in/hcservices/>

(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].

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

sd/-
15/07/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, SATTUR, VIRUDHUNAGAR DISTRICT
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE, VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No.11772

ORDER
IN
CRL OP(MD) No.9874 of 2019
Date :15/07/2019

dss
JMN/JC/SAR-2/24.07.2019/3P-6C