



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10670 of 2019

1. Ramakrishnan
2. Kannan
3. Adaikalam
4. Palani @ Palanivel
5. Shanmugam
6. Abbas
7. Ramkumar
8. Ramachandran
9. Mani
10. Raja
11. Kalidoss

... Petitioners/Accused No.2 to 12

Vs

State Rep.by
The Inspector of Police,
Thondi Police Station,
Ramnad District.
Crime No.115/2019

... Respondent/Complainant

For Petitioners : M/s.V.Kannan,
Advocate.

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

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

PRAYER :-

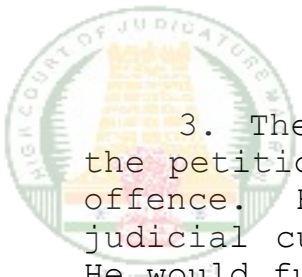
For Anticipatory Bail in Crime No. 115 of 2019 on the file of the Respondent police.

ORDER : The Court Made the following order :-

The petitioners/accused Nos. 2 to 12, who apprehend arrest at the hands of the respondent police for the offences punishable under section5(a) of Indian Explosive Substances Amendment Act, seek anticipatory bail.

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

2. Heard both sides.



3. The learned counsel for the petitioners would submit that the petitioners are poor fishermen and they have not committed any offence. He further submitted that A1 in this case was remanded to judicial custody and subsequently released on bail by this Court. He would further submit that the explosives substances were found in possession with A1 only. Therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on 14.07.2019 at about 6.00 a.m., the respondent police received a secret information and when the respondent police was on surveillance near the Vanji Thopu area and at that time the petitioners herein were standing there and on seeing the police party except A1 all other accused persons ran away. He further submitted that the police has searched the bag which was in possession of the A1 and found 65 gelatin sticks and 44 detonators and he was arrested and the said explosive also seized and subsequently he was remanded to judicial custody. He further submitted that the said explosive substance were kept by the first accused for catching fish in the sea by exploding the said substance and hence he strongly opposed this petition. However he fairly conceded that A1 in this case was granted bail by this Court.

5. In the First Information Report, it is stated that on 14.07.2019 at about 6.00 a.m the respondent police has received secret information, but it is not stated that at what time the police team has noticed the accused in the scene of occurrence. Further as per the First Information Report, except A1 all other accused persons ran away from the scene of occurrence and A1 was found in possession of 65 gelatin sticks and 44 detonators.

6. Taking into consideration of the allegations made against the petitioners and also the fact that only A1 was found in possession of explosive substances and also fact that A1 in this case was granted bail by this Court and also the fact that there is no previous case is pending against the petitioners, this Court is inclined to grant bail to the petitioners by imposing conditions:

[7] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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 on condition that the petitioners 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:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUVADANAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION, RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.V.KANNAN Advocate SR.No.12553

ORDER
IN
CRL OP(MD) No.10670 of 2019
Date :30/07/2019

MS/VR/SAR-4/05.08.2019/3P.6C