



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

PRESENT

The Hon'ble Justice P.RAJAMANICKAM

CRL OP(MD). No.10622 of 2019

Veerapathiran

... Petitioner/Accused No.1

Vs

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

... Respondent/Complainant

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

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 115/2019 on the file of the Respondent Police.

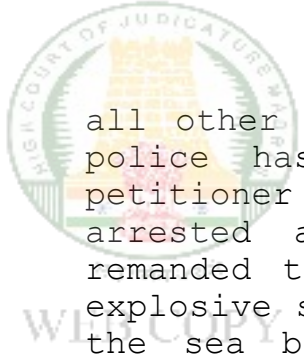
ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1 seeking bail for the alleged offence under Section 5(a) of Indian Explosive Substances Amendment Act

2. Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner is a poor fisherman and he has not committed any offence. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 14.07.2019 and he is in custody for the past 16 days. Therefore he prayed to grant bail to the petitioner.

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, the respondent police was on surveillance near the Vanji Thopu area and at that time A1 to A12 were standing there and on seeing the police party except A1(petitioner herein)



all other accused persons ran away. He further submitted that the police has searched the bag which was in possession of the petitioner and found 65 gelatin sticks and 44 detonators and he was arrested and the said explosive also seized and subsequently remanded to judicial custody. He further submitted that the said explosive substances were kept by the accused for catching fish in the sea by exploding the said substance and hence he strongly opposed this petition.

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 petitioner and also the fact that the petitioner is in custody for the past 16 days and also the fact that no previous case is pending against the petitioner, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Thiruvadanai.

[b] the petitioner shall report before the Respondent Police, daily at 10.30 for a period of One Month and thereafter, as and when required for the interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

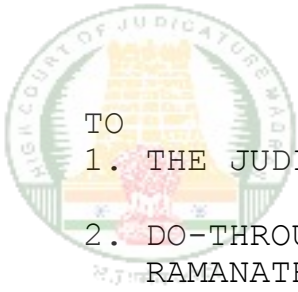
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
30/07/2019

/ TRUE COPY /

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 SUPERINTENDENT, CENTRAL PRISON, MADURAI.
 4. THE INSPECTOR OF POLICE,
THONDI POLICE STATION, RAMNAD DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.V.KANNAN Advocate SR.No.12552

ORDER

IN

CRL OP (MD) No.10622 of 2019

Date : 30/07/2019

MS/PN/SAR-4/30.07.2019/3P.7C