



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

Date : 28/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.11802 of 2019

Mahesh

... Petitioner/Accused No.3

Vs

State rep.by,
The Inspector of Police,
Puliyarai Police Station,
Tirunelveli District.
Cr No.112/2019.

... Respondent/Complainant

For Petitioner : M/s. C. Susi Kumar,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

RAYER :-

For Anticipatory bail in Crime No.112/2019 on the file of the respondent police .

ORDER : The Court Made the following order :-

The petitioner/accused no.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 25(1B) (a) of Arms Act, 1959 and Section 4(b) of Explosive Substantial Act, 1908 in Crime No.112 of 2019 seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that the name of the petitioner has not been found place in the First Information Report and on only based on the confession given by A1, this



petitioner has been implicated. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that when the police party was on usual vehicle check up near Puliyarai main near Bagavathypuram vilakku, the petitioner along with other were found in illegal possession of raw materials used to make country bombs. She further would submit that the petitioner is having five previous cases. Hence she strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstance of the case and also considering the fact that the petitioner's name was not found in the First Information Report and only based on the confession said to have been given by A1, this petitioner has been arrayed as accused and except this no other materials has been produced by the prosecution for implicating the petitioner herein and also considering the submission made by the learned Government Advocate (Crl. Side) that the petitioner is having five previous cases and in those cases are not similar in nature of this present case, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

[6] Accordingly, the petitioner is 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, Shencottai 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:

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

[b] 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 for the interrogation.

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

[d] the petitioner 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 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/-
28/08/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
SHENCOTTAI, TIRUNELVELI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRAET,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE
PULIYARAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. C. SUSI KUMAR Advocate SR.No.14349

ORDER
IN
CRL OP(MD) No.11802 of 2019
Date :28/08/2019

VSG
PK/JC/SAR-1/04.09.2019 : 3P/6C