

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.9347 of 2020

1. Settu, S/o Andiappan
Kaspakattuvalavu
Periya Soragai village
Mettur Taluk
Salem District
2. Thangaraj, S/o Iyyannan
Kaspakattuvalavu
Periya Soragai village
Mettur Taluk
Salem District

... Petitioners

Vs.

State Rep. by
The Inspector of Police,
Karumalaikoodal Police Station
Salem District
[Crime No.68 of 2020]

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in

Crime No.68 of 2020 on the file of the respondent police.

For Petitioners : Mr. C.Vidhusan

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 286, 338 and 506(1) Indian Penal Code was registered and altered into u/s 286, 338 and 506(1) Indian Penal Code and 9(b)(1)(b) explosives Act [Crime No.68 of 2020], on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners/A1 and A3 were unauthorisedly used the compressor for exploding rocks. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit

any offence as alleged. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioners have unauthorizedly used the compressor for exploding the rocks. He further submitted that there is no previous case pending against the petitioners.

5. Considering the above fact and circumstances of the case and the there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Mettur, on condition that each of the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for 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 petitioner/s in accordance with law as if the conditions have been imposed and the petitioner/s 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

25.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order

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To

1. The Judicial Magistrate II, Mettur,
2. The Inspector of Police,
Karumalaikoodal Police Station
Salem District
3. The Public Prosecutor,
Madras High Court,
Chennai.

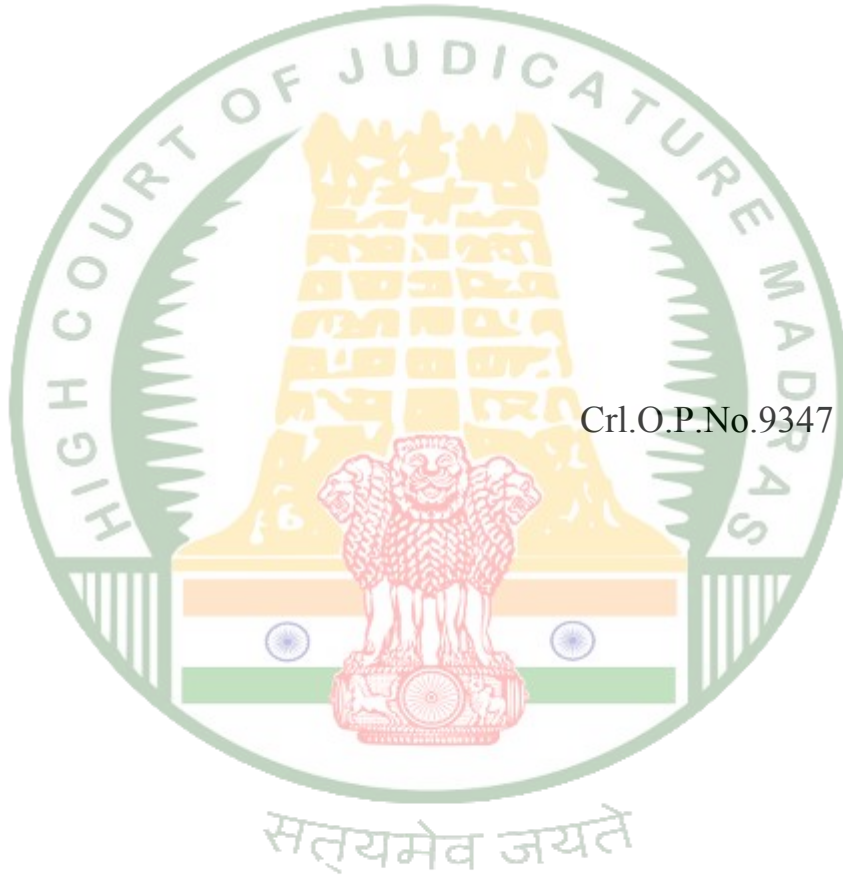


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