



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10078 of 2020

Ramachandran

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
M.Rettaipatti Police Station,
Virudhunagar District
Crime No. 24 /2020.

... Respondent

For Petitioner : Mr.N.Jeyaram Sidharth,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.24 of 2020 on the file of the Respondent Police

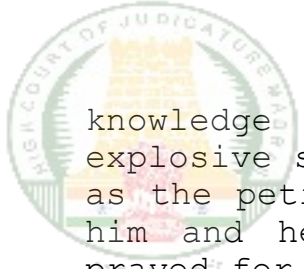
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 4(b) of Explosive Substances Act, 1908, in Crime No.24 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.02.2020, the Village Administrative Officer has received an information about the accused persons were involved in other crimes and visited the petitioner's house and conducted search. On search, he found that some explosive substances and also weapons from the petitioner's house. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is the none other than the father of the first and second accused. Even according to the prosecution, without the



knowledge of the petitioner, the son of the petitioner kept explosive substances in his house. He further submitted that as far as the petitioner is concerned, no previous case is pending against him and he is not indulging any criminal activities. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that totally there are four accused in this case and the petitioner herein is arraigned as Accused No.3. He further submitted that the petitioner was in possession of explosive substances and weapon in his house. As per A4 is concerned, he was arrested and released on bail. Insofar as A2 is concerned, he is still absconding. He further submitted that A1 died in the accident. He further submitted that the petitioner happens to be the father of A1 and A2 and also residing in the same house, hence, he has been implicated in this case.

6.Considering the facts and circumstances of the case and also considering the fact that the only allegation against the petitioner is that he is the father of the first and second accused and there is no other serious allegation against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Aruppukottai, Virudhunagar District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two blood 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)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter, as and when required for 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]; and;



(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER

IN

CRL OP(MD) No.10078 of 2020

Date : 05/10/2020

VSG

TE/AKM/SAR-IV : 08/10/2020 : 3P/5C