



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13765 of 2020

P.Prabhakaran @ Prabhu

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.
(Crime No.976 of 2020)

... Respondent/Complainant

For Petitioner : Mr.B.Satheshkumar,
Advocate.

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

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

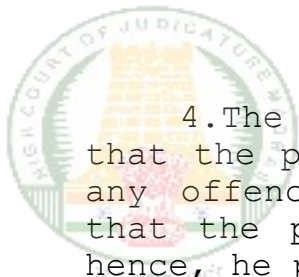
PRAYER :- For Anticipatory bail in Crime No. 976 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / A1 apprehending arrest at the hands of the respondent police for the offences punishable under section 9(B)(1) (a) of Explosives Act, 1884, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant was on patrol duty along with his police officials, they found that some accused persons were manufacturing and hiding the stocks of crackers in the locality without getting valid permission or license from the authorities concerned.

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 an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and hence, he prayed for grant of anticipatory bail to the petitioner.

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5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is arrayed as A1. when the defacto complainant was on patrol duty along with his police officials, they found that some accused persons were manufacturing and hiding the stocks of crackers in the locality without getting valid permission or license from the authorities concerned.

6.Considering the facts and circumstances of the case and also considering the fact that the custodial interrogation of the petitioner does not require in this case and hence, this Court is 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Sivakasi, 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:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) 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 before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].



(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/12/2020

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/ /2020

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 NO.2, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
SIVAKASI,VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13765 of 2020
Date :02/12/2020

MS/PN/SAR-4/07.12.2020/3P.5C