



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/12/2020

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PRESENT

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

CRL OP(MD). No.14077 of 2020

1. Samsukutha
2. Sarpudeen

... Petitioners/Accused 3&4

Vs

The State rep. by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
(Crime No.1226/2020).

... Respondent/Complainant

For Petitioners: Mr.B.Anandan,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1226/2020 on the file of respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 and A4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 9(B)(1)(b) of Explosives Act and Sections 353 and 506(ii) of IPC, in Crime No.1226 of 2020 on the file of the respondent Police, seek anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that on 29.10.2020, the petitioner and other accused persons without licence illegally manufactured the crackers and on seeing the police party, the petitioners abused the police officials using filthy language and also threatened them with dire consequences. Hence the complaint.



4.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Hence, he prayed to grant anticipatory bail to them.

5.The learned Government Advocate(Criminal Side) would submit that the the first petitioner is having eight previous cases and second petitioner is having ten previous cases.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no other serious allegations against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, each of the petitioners is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) as costs to the Hon'ble Chief Justice relief fund. On such deposit, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pattukkottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties, out of which one shall be a blood related surety, 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 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 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]***; and;



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

sd/-

04/12/2020

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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,
PATTUKKOTTAI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE SECTION OFFICER,
ACCOUNTS SECTION,
(HON'BLE CHIEF JUSTICE RELIEF FUND)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14077 of 2020

Date :04/12/2020

VSG

SRS/PN/SAR-III/15.12.2020/3P/6C