

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4967 of 2021

1 MANIMALAN [PETITIONERS / ACCUSED]
2 POONTHURAI
3 RAJA

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PERIYANAICKENPALAYAM POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.68 OF 2021.

For Petitioner : M/S. R.THIRUMOORTHY Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 9(B)(1)(b) of Explosive Act, 1984 and Section 5 of Explosive Substances Act, 1908 in Crime No.68 of 2021, on the file of the respondent Police, seek anticipatory bail.

2. Totally there are 4 accused in this case and the petitioners herein are A2 to A4. It is alleged that the Village Administrative Officer received information that the petitioners are producing country bombs, and it had exploded and injured four persons. Hence the case came to be registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners belong to Nari Kuravar community and they were in possession of one small explosive substance and making small crackers for festival and they were not using the bomb for any other illegal activities. Hence, he prays for grant of anticipatory bail to the petitioners

4.The learned Additional Public Prosecutor would submit the petitioners along with A1 were preparing country bombs. He would further submit that out of the 4 accused persons viz., A1 is still in jail. Hence ,he vehemently opposed the anticipatory bail application.

5. Considering the facts and circumstances of the case and also the fact that the petitioner was said to have prepared some crackers for festival purpose and the petitioners were also injured in that process, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are directed 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 Judicial Magistrate No.5, Coimbatore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original petition is ordered.

-sd/-
15/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.5, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERIYANAICKENPALAYAM POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.4967/2021

Date :15/03/2021

TA-01/04/2021

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