

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirty First day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6212 & 6214 of 2021

VIJAI [PETITIONER / ACCUSED
IN CRL.O.P.NO.6212/2021]

THAMIZHAN [PETITIONER / ACCUSED
IN CRL.O.P.NO.6214/2021]

Vs

STATE REP BY [RESPONDENT IN BOTH THE PETITIONS]
THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.
(CR.NO.697/2020)

For Petitioner : M/S.R.SASIKUMAR Advocate [IN BOTH THE PETITIONS]

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No. 6212 of 2021 apprehends arrest for the alleged offences under Sections 9 (B) (1) (b) of Indian Explosives Act and Section 304(2) of I.P.C, in Crime No. 697 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The petitioner in Crl.O.P.No. 6214 of 2021 apprehends arrest for the alleged offences under Sections 9 (B) (1) (b) of Indian Explosives Act and Section 304(2) of I.P.C, in Crime No. 697 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein are A1 and A3, and that while the petitioners making country bombs for hunting purpose it had exploded, and A2 in this case was injured and one Uyaipalai brother of the injured was dead. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners and the deceased were making crackers for temple festivals accidentally it exploded 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 that when the petitioners were making country bombs one bomb exploded and A2 in this case was injured and one Uyaipalai brother of the injured was dead. He would further submit that investigation was almost completed. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that the petitioners belong to Narikuravar community and the accused and deceased said to have making small bombs and one bomb was accidentally exploded and it is not a case that they are preparing country bombs for any illegal purpose, the petitioners have no bad antecedents, now the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioners with some conditions.

6. Accordingly, the petitioners are ordered to be released on bail in their 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 II, Walajapet 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 aslaid 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 229 A IPC.

With the above directions these Criminal Original petition are ordered.

-sd/-
31/03/2021

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.II, WALAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

+2 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.4327, 4332

CRL OP.6212 & 6214/2021

Date :31/03/2021

TA-16/04/2021