



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12075 of 2021

1. K.Durai @ Chinnadurai
2. R.Kalaiselvan

... Petitioners

Versus

State Rep, by,
The Inspector of Police,
Kanai Police Station,
Villupuram.
Crime No.125 of 2021,

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest pending investigation in Crime No.125 of 2021 on the file of the respondent.

For Petitioner : Mr.M.Karthik

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 286 of IPC, 9(B)(1)(B) of Explosive Act 1884 R/w 13(3)(A), (10)(4) of Explosive Rule 2008, 5 of Explosive Substances Act, in Crime No.125 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons had transported 200 numbers of detonators and 200 nos, of Gelatin sticks without any valid reasons and the same was seized by the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that co-accused had already been granted bail by this Court in Crl.O.P.No.11552 of 2021 dated 06.07.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.



5. Considering the fact that there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Villupuram, on condition that the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-

13/07/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
NO.I, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
KANAI POLICE STATION,
VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.12075/2021

Date :13/07/2021

JPA 22/07/2021