



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18334 of 2021

N.VENKATESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
VILLUPURAM DISTRICT.
CR. NO.334/2021.

[RESPONDENT]

For Petitioner : M/S.D.SELVARAJU Advocate

For Respondent : MR. C.E.PRATAP, Govt. Advocate (CrI. Side)

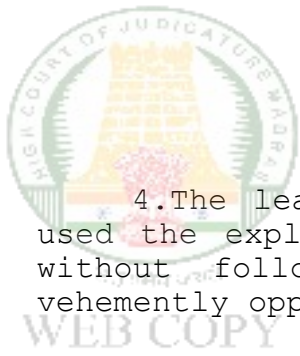
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 4 and 5 of Explosives Substances Act, 1908 in Crime No.334 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of Gelatin and other explosives, stored in the quarry without valid license and used the same in non permitted areas. Hence, the Law Enforcing Agency registered a case against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner had entered into an agreement with another accused person who is a license holder for using explosives and he has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, on his own volition is ready to deposit a sum of Rs.25,000/- to the Mineral Foundation Trust that may be imposed by this Court.



4.The Learned Government Advocate submitted that the petitioner used the explosives in the non permitted areas and stored the same without following the safety rules and regulations. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and since the petitioner had entered into an agreement with other accused person who is a license holder for utilizing the explosives, I am inclined to grant anticipatory bail to the petitioner on certain conditions.

8.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 Court No.2, Tindivanam, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioner failed 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 petitioner shall make a non refundable deposit of Rs.25,000/- (Rupees Twenty Five Thousand only) through demand draft to the credit of the Chairman/District Collector, District Mineral Foundation Trust of the concerned District, without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

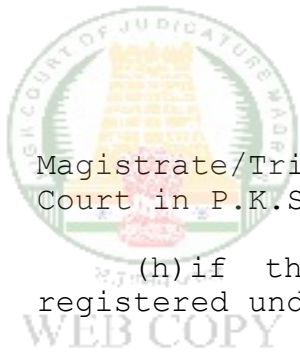
(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

-sd/-
01/10/2021

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 COURT NO.2,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILUPPURAM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE CHAIRMAN / DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST,
VILUPPURAM DISTRICT.

+1 CC to M/S.D.GOPAL Advocate on payment of necessary charges
SR.NO.10875

CRL OP.18334/2021

Date :01/10/2021

INBA-07/10/2021