



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5121 of 2021

1. Baskaran
2. Manose
3. Paramasivam ... Petitioners/Accused Rank 1,3,4

Vs

The State Represented by
Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Cr.No. 88 of 2021. ... Respondent/Complainant

For Petitioner : M/s.Sankarakumarakuruparan K.P,
Advocate.
For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.88 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A.1, A.3 and A.4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 9(B)(1)(a) of the Indian Explosives Act, 1957 in Cr.No.88 of 2021, on the file of the respondent police seek anticipatory bail.



2. Heard the learned Counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is seen from the submissions that when the Village Administrative Officer, Thayilpatti inspected the occurrence spot on 21.03.2021 at about 04.00 p.m., and found that illegal manufacturing of crackers, without any licence or prior permission from the concerned authorities had been going on. Therefore, this case came to be registered.

4. The petitioners claimed that they are innocents and they did not commit any offence and there was no undue harm happened to anyone on account of the illegal manufacturing of the crackers.

5. The respondent police has not taken any steps to arrest even one among the four accused. Admittedly no untoward incident happened. The Unit had been closed now. In such circumstances, this Court is of the view that the petitioners may be granted anticipatory bail with certain conditions to take the case forward.

6. Accordingly, 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 No.II, Sattur, 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 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;

<https://hcservices.ecourts.gov.in/hcservices/>



(b) the petitioners shall report before the respondent police daily twice at 10.00a.m., and 05.00p.m., until further orders;

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/04/2021

/ TRUE COPY /

/ /2021
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.



1 THE JUDICIAL MAGISTRATE NO.II
SATTUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTTUR

3 THE INSPECTOR OF POLICE
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.SANKARAKUMARAKURUPARAN K.P Advocate SR.No.3006

ORDER
IN
CRL OP(MD) No.5121 of 2021
Date :08/04/2021

sma/pn/SAR-3/17/04/2021/4P/6C