



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

Date : 28/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.10003 of 2021

Senthil Kumar

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(Crime No.7 of 2018).

... Respondent/Complainant

For Petitioner : Mr.R.Thangapandian,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 7 of 2018 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5 of the Explosives Substances Act, 1908 and Section 9(B) (1)(a) of the Explosives Act, 1884 in Crime No.7 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the Police party were engaged in preventing of offence related to explosives substances Act on 08.01.2018. At about 13 hours, when they reached Thirumalai Nambi stone quarry one Mohan, on seeing them, tried to escape from there, however, Police apprehended him and interrogated him. His statement revealed that accused Senthil Kumar had purchased explosives from one Balpandian from the shop of Sridharan at Uthamapalayam for using it for the quarry run by the accused Senthil Kumar. There was no licence for possessing the explosives substances. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the A2 had been granted anticipatory bail by the Court below in Cr.M.P.No.246 of 2018 and A3 was released on bail by the Court below in Cr.M.P.No.353 of 2018. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that the accused in this case illegally possessed explosives substances and the petitioner herein is the owner of the quarry and he purchased the explosives without any proper license.

5.It is more than three years and six months since the registration of FIR. Investigation could have been completed by this time. Co-accused also had been granted anticipatory bail. Therefore, this Court is of the view that custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6.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, Uthamapalayam, 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]the petitioner 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.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioner 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 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]**.



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

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sd/-
28/07/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.R.THANGAPANDIAN, Advocate (SR-4902[I] dated 28/07/2021)

ORDER
IN
CRL OP(MD) No.10003 of 2021
Date :28/07/2021

gns

USK/JM/SAR-II : 02/08/2021 : 3P/6C

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