



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

Date : 24/08/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL OP(MD). No.10842 of 2021

M.Shanmugasuresh

... Petitioner/Sole Accused

**Vs**

The State rep.by  
The Inspector of Police,  
All Women Police Station,  
Thirukurungudi Police Station,  
Tirunelveli District.  
Crime No.138 of 2021

... Respondent/Complainant

For Petitioner : Mr.C.SARAVANAKUMAR,  
Advocate.

For Respondent : T.SENTHILKUMAR,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

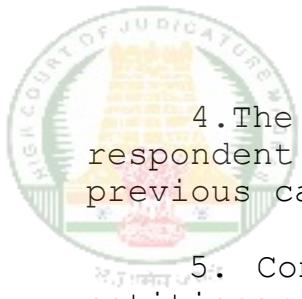
For Anticipatory bail in Crime No.138 of 2021 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 3 of Explosives Substances Act, 1908 in Crime No.138 of 2021, seeks anticipatory bail.

2.The complaint was registered at the instance of Village Administrative Officer. The case of the prosecution is that while preparing a country bomb, the petitioner suffered injury and took treatment in a private Hospital.

3.The learned counsel for the petitioner submits that it is not a country bomb and the petitioner has purchased crackers and taken the chemical substance from the crackers to use it for the purpose of chasing away the birds from his lands.



4.The learned Government Advocate (Crl.Side) appearing for the respondent Police, on instructions, would submit that there is no previous case pending as against the petitioner.

5. Considering the nature of offence, the submission that the petitioner used only crackers to chase the birds away from his land and that the petitioner has no antecedents, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed.

6. The petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Valliyoor 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required, until further orders;

(c)the petitioner shall not tamper with the 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]***; and;

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

sd/-

24/08/2021

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/ /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.

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



**TO**

1. THE JUDICIAL MAGISTRATE  
VALLIYOOR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THIRUKURUNGUDI POLICE STATION,  
TIRUNELVELI DISTRICT.

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

**ORDER**

**IN**

CRL OP(MD) No.10842 of 2021

Date : 24/08/2021

SA/VR/SAR.2/03.09.2021/3P/5C