



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18083 of 2021

R.Ramalakshmi

... Petitioner/Accused No.1

Vs

The State by
The Sub-Inspector of Police,
Sivakasi East,
Virudhunagar District.
Cr.No.464/2021.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu
for Mr.R.M.Makesh Kumaravel
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.464 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 9B 1(a) of the Indian Explosives Act 1884, in Crime No.464 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has opened the sealed factory and manufactured the crackers in that premises. Hence, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the other co-accused has been granted bail by the Sessions Court.



4. The learned Government Advocate (Crl.side) appearing for the respondent police opposed for grant of anticipatory bail on the ground that the sealed factory has been opened by the petitioner, she engaged 20 employees illegally for manufacturing crackers in the above said factory.

5. Taking into consideration of the facts and circumstances of the case and the nature of allegation against this petitioner, co-accused has already been granted bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that she will not indulge in any other offences in future.

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

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

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

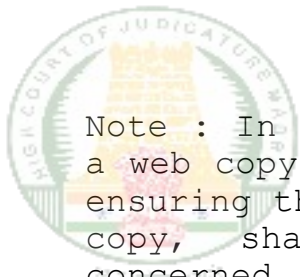
(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

Sd/-
22/11/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB-INSPECTOR OF POLICE,
SIVAKASI EAST,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.R.M.MAKESH KUMARAVEL, Advocate (SR-8342[I] dated 22/11/2021)

ORDER
IN
CRL OP(MD) No.18083 of 2021
Date : 22/11/2021

VB/JC/SAR-III/26.11.2021/3P/6C