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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.477 of 2022

G.Suresh Kumar

... Petitioner

Vs.

The State Rep. By
Inspector of Police
Kolathur Police Station
Salem District
(Crime No.454 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No.454 of 2021 on the file of the Respondent Police.

For Petitioner : M/s.C.Deepak Kumar

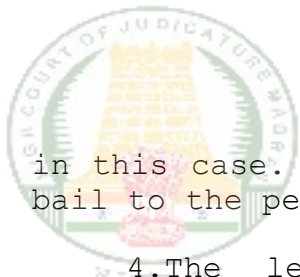
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under Section 5 & 6 of Explosives Substances Act, 1908, in Crime No.454 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 26.12.2021, based on the secret information with regards to Explosives Substances, the respondent conducted search with the petitioner and found illegal possession of Electric Detonator-44. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any such offences as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is doing water well drilling contract and he is having valid permission for carrying out blasting explosives. He added that the Electric Detonator seized from A1, whereas, based on the confession of A1, the petitioner was implicated



in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on instructions submits that A1 is already arrested and the petitioner has supplied the Electric Detonator -44 to A1 and the same was recovered. He further submits that there is no previous case as against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by both counsel and also considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Mettur, 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 conditions that:

(a) the petitioner and 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;

(b) the petitioner shall report before the respondent police on Saturday 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(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]; and;



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

-sd/-

12/01/2022

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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 NO.I,
METTUR.

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

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S. C.DEEPAK KUMAR Advocate on payment of necessary charges

CRL OP.477/2022

Date :12/01/2022

INBA~24/01/2022