



Crl.O.P.No.21487 of 2022

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**A.D.JAGADISH CHANDIRA,J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 25(1)(a) of Arms Act-1959, Section 4(b) of Explosive Substances Act, 1908 and under Section 120(B)(1), 144 of IPC, in Crime No. 8 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 21.01.2022, the respondent police had received a information that a gang of persons were unlawfully assembled with deadly weapons near Bhai thoppu, Karuvadikuppam under suspicious circumstances. On reliable information, immediately the respondent had rushed to the spot where they noticed that a gang of persons were sitting and spreading raw materials of explosive substances. On seeing the police, they have tried to escape from the spot, however, the police have secured them. On search, A1 & A2 were found to be in possession of knives and raw materials of explosive substances. Hence, the case.



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3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case since he happens to be friend of other accused. He would further submit that the petitioner is not present at the scene of occurrence and the main accused in this case are enlarged on bail. Hence, he seeks for anticipatory bail.

4. Per contra, the learned Government Advocate (crl.side) would submit that six persons were apprehended at the spot. The petitioner is arrayed as A6. At the time of arrest, the petitioner was affected with covid and thereby, he was allowed to go for home quarantine. He would further submit that there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. In reply, learned counsel for the petitioner would submit that the petitioner was unnecessarily arrayed as A6 and he had taken treatment for covid.



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6. Taking into consideration of the facts and submission of the learned counsel and also the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 on which the order copy made ready, before the **learned Judicial Magistrate, Pondicherry** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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, failing which, the petition for anticipatory bail shall stand dismissed 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.



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[b] the petitioner shall report before the respondent police **every day 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 absconds, a fresh FIR can be registered under Section 229A IPC.

**16.09.2022**

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