



Crl.OP.No.21712 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21712 of 2022

Vinoth

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kolathur Police Station,
Salem District.

(Crime No.225/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.225 of 2022 on the file of the respondent Police.

For Petitioner : Mr.T.Ganesan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.08.2022 for the offences punishable under Sections 5 & 6 of Explosive Substances Act, 1908, in Crime No.225 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was found in possession of 1097 Gelatin Sticks, 275 Electric Detonators and 25 Ordinary Detonators, without any valid license. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a business man running a Crusher namely VRS Blue Metals and he has been running the Quarry with appropriate licence from the Government. He would further submit that he had purchased the explosives from the second accused/vendor namely M/s.Sri Velava Minings. He would also submit that over the time of inspection, the petitioner was not in possession of documents and thereby, he was arrested by the respondent



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Police on 24.08.2022. The learned counsel would further submit that the petitioner has no previous case and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is a business man running a Crusher namely VRS Blue Metals and also engaged in Quarry business, was found in possession of explosives namely, 1097 Gelatin Sticks, 275 Electric Detonators and 25 Ordinary Detonators, without any valid license. Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.



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7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Mettur**, and on further conditions that:

[a] 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 the respondent Police, every day at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]**;



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

13.09.2022

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To

1. The Judicial Magistrate No.I,
Mettur.
2. The Inspector of Police,
Kolathur Police Station,
Salem District.
3. The Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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