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Crl.O.P.No.24718 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 5 & 6 of Explosive Substances Act 1908 in Crime No.225 of 2022 on the file of the respondent police, seeks anticipatory bail.

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

3. The learned counsel for the petitioner would submit that the petitioner is a licensee running a business in the name of Sri Velava Minings, doing business of explosive substances. The petitioner through proper bill supplied the goods to A1 who is running a quarry in the name of V.R.S. Blue Metals. The said A1 had also obtained proper license from the Government, however when the police had intercepted, A1 had not produced the bill and he was arrested. Based on his confession, the



Crl.O.P.No.24718 of 2022

petitioner has been implicated in this case. He would reiterate that the petitioner is a licensee and the petitioner had sold the explosives only with proper bills. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the A1 was found in possession of explosives 1097 Gelatin Sticks, 275 Electronic Detonators and 25 Ordinary Detonators without valid license. Upon enquiry, they were informed that the petitioner is the person who had supplied explosives to him. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel. Perused the materials available on record. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



Crl.O.P.No.24718 of 2022

WEB COPY

6. 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 **Judicial Magistrate Court No.1, Mettur**, 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of three weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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Crl.O.P.No.24718 of 2022

A.D.JAGADISH CHANDIRA, J.

mpl

[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.

04.11.2022

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Crl.O.P.No.24718 of 2022