



CrI.O.P.No.32203 of 2022

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9(B)(I)(b) of Indian Explosives Act, 1884, in Crime No.312 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.12.2022 at about 18.00 hours when the respondent police and his team were on their routine rounds, they found that the first accused was in illegal possession of 2180 Electric Detonator and 1130 Silari. On questioning the first accused, he confessed that he had procured the explosives illegally from A2, petitioner herein, thereby a case in Crime No.312 of 2022 was registered as against the present petitioner. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he was falsely implicated in this case. He further submitted



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that the petitioner is a license holder, who is authorized to deal with explosive substances, as per the license granted by the Chief Controller of Explosives and he has entire records of his handling of the explosives. He also submitted that the petitioner has been implicated in this case only based on the confession statement given by A1 and also stated that the petitioner never had any transaction with A1. He also submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the first accused was found in illegal possession of 2180 Electric Detonator and 1130 Silari and he confessed that he had procured the said explosives from A2, petitioner herein. Hence, he vehemently opposed to grant anticipatory 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 entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also taking note of the fact that the petitioner has been implicated only based on the confession statement recorded from A1, 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-III, Vellore**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner shall file an Affidavit along with his license granted by the Chief Controller of Explosives, before the learned Magistrate at the time of furnishing sureties;



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[b] 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;

[c] the petitioner shall report before the respondent police on every Wednesday at 10.30a.m. for a period of three months and thereafter, as and when required for interrogation;

[d] the petitioner shall not tamper with 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]**;



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

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