



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.8299 of 2022

1. Johnsirani,

2. Gunasekar,

... Petitioners/Accused Nos.1 & 3

Vs

THE STATE REP BY,
The Sub Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(In Crime No.160/2022).

... Respondent/Complainant

For Petitioners : Mr.M.Jothi Basu, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory bail in Crime No.160/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 9(B)(1) (a) of Indian Explosives Act, in Crime No.160 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 26.04.2022 at about 12.00 hours, the respondent police has inspected the Fire Works, namely Guru Traders Fire Works and found that the management have engaged over and above the approved strength of employees. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending. He would further submit that the first petitioner/A1 is a license holder and the second petitioner/A3 is a Boreman and the second accused was arrested and in judicial custody.

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5.Considering the nature of charges levelled against the petitioners and also the fact the petitioners are not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Sivakasi.

7.On production of such receipt/acknowledgment, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter, as and when required for interrogation.

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

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229-A IPC.

sd/-
29/04/2022

/ TRUE COPY /

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR
DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
ADVOCATES WELFARE FUND
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-4110[I] dated 29/04/2022)

ORDER
IN
CRL OP(MD) No.8299 of 2022
Date :29/04/2022

PKP/PN/SAR-4/10.05.2022/3P/7C