



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9218 of 2022

Perumalsamy

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No.88 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Prabu M, Advocate.

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

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

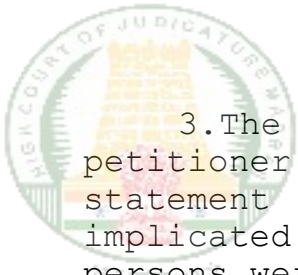
PRAYER :-

For Anticipatory Bail in Crime No.88 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 3, 5 of Explosive Substances Act, 1908, 147 and 120(B) of IPC, in Crime No.88 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 25.03.2020 at about 05.00 p.m., the respondent Police were on rounds. During that time, they received an information that the country bomb was exploded at an old building and the building was damaged. Hence, the respondent police went to the spot and found the accused persons where they were preparing country bomb and kept the same in the old building. Due to explosion, the building was damaged. Therefore, the present case came to be registered.



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and based on the confession statement of the co-accused, the petitioner has been falsely implicated in this case. He further submitted that the co-accused persons were released on bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the the investigation is almost completed and the petitioner is having two previous cases which are similar in nature. He was selling countrybombs without any valid license.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the fact that the co-accused persons were released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioner shall not tamper with the 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]**.

Sd/-
18/05/2022

/ TRUE COPY /

23/05/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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.III
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9218 of 2022

Date :18/05/2022

SP/VR/SAR I/23/05/2022/3P/5C