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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.16866 of 2022

Shanthi

... Petitioner/Accused-3

Vs

State rep.by
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
(Crime No. 272 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Saravanan C S, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.272 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9(B) (1)(A) of the Indian Explosive Act, 1884, in Crime.No.272 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that without valid licence the petitioner and other accused said to have transported the crackers. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner herein is only owner of the building and he is no way connected with the case and his name has been falsely implicated in this case.



4.The learned Government Advocate(Crl.Side) would submit that A1 and A2 have already been released on bail and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or 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.II, Sathur, 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 to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the Inspector of Police, Porur Police Station, Chennai daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

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



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1. THE JUDICIAL MAGISTRATE NO.II,
SATHUR.

2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4. THE INSPECTOR OF POLICE,
PORUR POLICE STATION, CHENNAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SARAVANAN C S Advocate SR.No.10261

ORDER
IN
CRL OP (MD) No.16866 of 2022
Date :20/09/2022

SP/GB/SAR I/26/09/2022/3P/7C