



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/02/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18900 of 2021

Samskuptha

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vattathikkottai Police Station,
Thanjavur District.
Cr.No.555 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.PITCHAI MUTHU,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.555 of 2021 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 Sections 9(B)(1)(a) and 9(B)(1)(b) of Indian Explosives Act, 1884, in Crime No.555 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 01.11.2021, on search by police party, the accused was found in possession of illegally manufactured fire crackers and ingredients for manufacturing fire crackers. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is innocent and not committed any such offence. Hence, he seeks anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is having ten previous cases of similar nature, out of which three cases were disposed of and seven cases are pending.

5.In response, the learned counsel appearing for the petitioner would submit that the respondent police used to register the case at

<https://hcservices.ecourts.gov.in/hcservices/>



the time of Diwali and in the above ten cases, the petitioner was acquitted in three cases and he was falsely implicated, in the remaining cases. However, he would submit that the petitioner is ready to file an undertaking affidavit that he will not indulge any kind of offence in future.

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6.As rightly pointed out by the learned counsel for the petitioner, in the FIR it has been stated that the petitioner was possessing 100 grams of explosive substance, thread and cover for manufacturing crackers.

7.Considering the nature of charges levelled against the petitioner and also the facts that the petitioner is not having any other previous cases for other offences, except the offence charged in this case and also taking note of the fact that the petitioner is ready to file an undertaking affidavit, this Court is inclined to grant bail to the petitioner with certain conditions.

8.In this regard, the petitioner shall file an undertaking affidavit before the trial Court that the petitioner will not indulge any offence in future.

9.On production of undertaking affidavit, 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, Pattukottai, Thanjavur, 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 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 shall deposit a sum of Rs.10,000/- (**Rupees Ten Thousand only**) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties.

b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month 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]**; and;

(g) 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.)
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
PATTUKOTTAI, THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
VATTATHIKKOTTAI POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9.

ORDER IN

CRL OP(MD) No.18900 of 2021
Date :15/02/2022

SA/PN/SAR.1/28.02.2022/3P/6C