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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/10/2022

PRESENT

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

CRL OP(MD). No.18102 of 2022

Dhakshnamoorthy ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Vembakkottai Police Station,
Vembakottai,
Virudhunagar District.
(Crime No.222/2022). ... Respondent/Complainant

For Petitioner : M/s.Prabha.S, 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.222/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9(B)(1)(a) of Indian Explosive Act, in Crime No.222 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 02.07.2022, the respondent Police team conducted inspection at the premises of the petitioner and found that the accused was manufacturing crackers, without valid permit, to the tune of Rs.2,000/-. Hence, the complaint.

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3.On the side of the petitioner, it is stated that the petitioner is the sole accused. The petitioner is noway connected to this case. A false case was foisted against the petitioner and prayed to release him on anticipatory bail.

4.On the side of prosecution, it is stated that the petitioner is having three previous cases at his credit. The accused was manufacturing crackers, without valid permit and prayed to dismiss the petition.

5.Considering the facts and circumstances of the case and also considering the nature of offence levelled against the petitioner, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Sattur, Virudhunagar District, 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 respondent police 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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;

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

Sd/-
12/10/2022

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/10/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE NO.II,
   SATTUR, VIRUDHUNAGAR DISTRICT.

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

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

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

+1. CC to M/S.PRABHA.S Advocate SR.No.11313

ORDER
IN
CRL OP(MD) No.18102 of 2022
Date :12/10/2022

SP/SSS/SAR II/19/10/2022/3P/6C

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