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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

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

CRL OP(MD). No.18863 of 2022

Mariyappan

... Petitioner/sole Accused

Vs

The State rep.by,
The Inspector of Police,
Appayanaickenpatti Police Station,
Virudhunagar District.
(Cr.No.56 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Mani Anandh P,
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.56/2022 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,1884, in Crime No.56 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 26.09.2022, 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.10,000/-. Hence, the complaint.

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 one 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, the petitioner shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) **to the Anbagam, Race Course Road, K. Pudur, Madurai-600 007**, without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Sattur.

7. On production of such receipt/acknowledgment, 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.I, Sattur, 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 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 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/10/2022

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/11/2022

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

TTA

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.I, SATTUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
APPAYANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER IN CHARGE,
ANBAGAM, RACE COURSE ROAD,
K.PUDUR, MADURAI-600 007.

ORDER

IN

CRL OP(MD) No.18863 of 2022

Date :20/10/2022

RK/SSS/SAR-1 (02/11/2022) 3P/6C