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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.19072 of 2022

Kannan

... Petitioner/Accused No.1

Vs.

State rep.by
The Inspector of Police,
Maraneri Police Station,
Virudhuagar District.
(Crime No.138/22).

... Respondent/Complainant

For Petitioner : M/s.S.Ramasamy, Advocate.

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

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

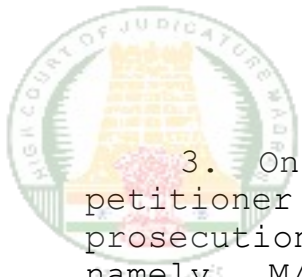
PRAYER :-

For Anticipatory Bail in Crime No.138/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 286 of IPC and Section 9(B)(1)(a) of Indian Explosives Act, 1884 in Crime No.138 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was in illegal possession of fire works without permit. The petitioner is not having any valid licence at the time of seizure. Hence the complaint.



3. On the side of the petitioner, it is stated that the petitioner has not committed any offence as alleged by the prosecution. The petitioner is the owner of a fire works company, namely, M/s.Jeyaram fireworks. A false case has been foisted against the petitioner. Investigation was over, charge sheet was filed. Co-accused was already released on bail and prayed the petitioner to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that there are totally two accused in this case. The petitioner is the first accused. The second accused was surrendered and got bail. The fireworks bundle worth Rs.15,000/- was seized from the petitioner's house and prayed the petition to be dismissed.

5.Considering the facts and circumstances of this case and considering the nature of the offence and considering the fact that co-accused was already released on bail and that the investigation was over and the charge sheet was filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this 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 learned Judicial Magistrate No.I, Sivakasi, 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;



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

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Sd/-
27/10/2022

/11/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Ls

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,
SIVAKASI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
MARANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.RAMASAMY S Advocate SR.No.12160

ORDER
IN
CRL OP(MD) No.19072 of 2022
Date :27/10/2022