



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

WEB COPY

CRL.O.P (MD) No.21987 of 2022

K.Ramakrishnan

...Petitioner/Accused No.2

-vs-

The State represented by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
(in Cr.No.149 of 2022)

...Respondent/Complainant

For Petitioner : Mr.D.Venkatesh, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

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

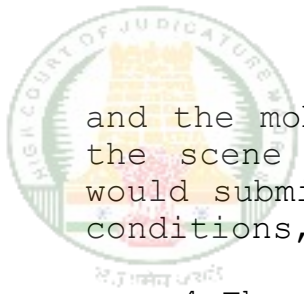
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.149 of 2022.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Section 5 of the Indian Explosive Substances Amendment Act, 1908, in Crime No.149 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Ayyanar, Sub Inspector of Police, Marine Police Station, Devipattinam, Thondi, is that on the specific information on 07.12.2022, they have gone near the Thondi Beach and on seeing them, five persons including the petitioner had ran away from the scene of occurrence and on search, 200 gelatin sticks and one Redmi mobile phone were recovered from the scene of occurrence. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been implicated in this case



and the mobile phone, which are stated to have been recovered from the scene of occurrence, do not belong to the petitioner and he would submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him.

4.The learned Government Advocate (Crl.side) would submit that the respondent, on a specific information, went to the Thondi Beach and on seeing the police, the accused, who are Fishermen, had run away from the scene of occurrence and on search, the respondent has recovered 200 gelatin sticks and one Redmi mobile phone and would submit that the said mobile belongs to one Murugandanam, who is not an accused in this case.

5.Taking into consideration the facts and submissions and on perusing the materials available on record, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Thiruvadanai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 05.30 p.m., 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]**.



[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
15/12/2022

/ TRUE COPY /

WEB COPY

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
S.P.PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-14967[I] dated 16/12/2022)

ORDER
IN
CRL OP(MD) No.21987 of 2022
Date :15/12/2022

CMR
PKP/VR/SAR-4/20.12.2022/3P/6C