



CrI.O.P.No.149 of 2023

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T.V.THAMILSELVI,J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 4 and 5 of the Indian Explosives Substances Act, 1908 in Crime No.299 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that, on 20.12.2022, some of the explosive substances were found in the lands of one Ravi/A1 for the purpose of blasting rocks and digging well. On enquiry, it was informed that they were procured from the petitioner/A4. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is running business with regard to sale of explosives with valid licence from the competent authority, which is also enclosed in the typed set of papers. Without verifying the above aspect, the petitioner has been falsely implicated in this case. He would also submit that the co-accused were granted bail. Hence, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl. Side) would submit that the investigation in this case is not yet completed and the case property has been recovered. He would also submit that if the petitioner is granted anticipatory bail, he will commit the similar offence in future. He would further submit that there is no previous case similar in nature pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5.Taking into consideration the facts and circumstances of the case and also considering the fact that there is no previous case similar in nature pending against the petitioner, and the fact that the petitioner is having valid licence for sale of explosives, 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 No-II, Perambalur, Perambalur District** on condition that the petitioner shall execute a bond for a sum of



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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 on every Wednesday at 10.30 a.m. for a period of eight weeks;

[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];**



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

12.01.2023

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