

Crl.O.P.No.4485 of 2023

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T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Sections 4 (b) (i) and 5 of Explosive Substances Act, 1908 r/w. 109 of IPC in Cr.No.293 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is arrayed as A12 in this case. The case of the prosecution is that due to business rivalry, one Maran was killed by the accused persons with Country Bomb and the petitioner who was accomplice in making Country Bomb. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that he was implicated based on the confession statement given by A10 and the petitioner is ranked as A12. He further submitted that all co-accused were released on bail. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits that there are 10 previous cases pending against the petitioner. He further submitted that the investigation is almost completed. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the co-accused were released on bail. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on anticipatory 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 II, Chengalpattu*, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties (**out of which one surety must be blood related surety**) 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before Trial Court on every Tuesday at 10.30 a.m. for a period of four months and thereafter, as and when required for interrogation;

(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 anticipatory 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.

27.02.2023

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To
The Judicial Magistrate II,
Chengalpattu,



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