



Crl.O.P.No.6878 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2023

CORAM

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

Crl.O.P.No.6878 of 2023

Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karamadai Police Station,
Coimbatore District.

(Crime No.122 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.122 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.D.Senthur Kugan

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.03.2023 for the offences punishable under Sections 9(B)(1)(b) of Indian Explosives Act, 1884 and Section 5 of the Explosive Substances Act, 1908 in Crime No.122 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that while the respondent Police and his team were conducted a vehicle checkup, they found that three persons coming in a motorcycle along with explosives and they were arrested and they confessed that they were transporting the explosives to Kerala and during the course of investigation, it came to light that the petitioner has supplied the explosives to the other accused. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and by holding valid license in accordance with rules, he sold the explosives to A4 and A5 and intun they had handed over it to the other accused, other than the confession recorded from him, there is no allegations as against the petitioner. Even as per the



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prosecution, the explosives were intended for digging wells and not for any terrorism activity. He would further submit that the similarly placed co-accused in this case have already been granted bail by this Court in Crl.O.P.Nos.6534 and 6673 of 2023 and the petitioner is in judicial custody from 01.03.2023. Hence, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is a license holder, had sold the explosives to the third parties, in violation of the rules. He would further submit that the investigation is still pending and if the petitioner is granted bail at this stage, there is every possibility of him to abscond which would derail the progress of the trial. Hence, he opposed for grant of bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Mettupalayam, Coimbatore District** and on further conditions that:

[a] 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 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness 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 abscond, a fresh FIR can be registered under Section 229A IPC.

27.03.2023

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To

1. The Judicial Magistrate,
Mettupalayam, Coimbatore District.
2. The Inspector of Police,
Karamadai Police Station,
Coimbatore District.
3. The Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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