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CRL OP(MD).



23

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

Date : 07/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.2406 of 2023

Soundhiram @ Soundharam

... Petitioner/Accused

Vs

The Inspector of Police,
Shanarpatti Police Station,
Dindigul District. Crime No.25 of 2023..
... Respondent/Complainant

For Petitioner : Mr.K.Althaf Sheriff
for M/s.Ajmal Associates

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

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

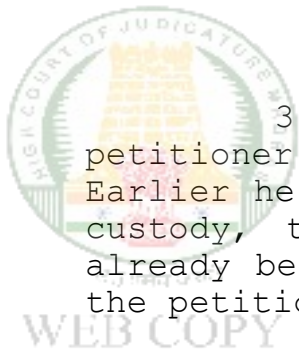
PRAYER :-

C-33AB. For Anticipatory Bail in Crime No.25 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 9(B)91)(b) of Indian Explosives Act, 1884, in Crime No.25 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant, viz., Murugan, Special Sub Inspector of Police is that on 20.01.2023, on inspection they seized fire crackers, worth about Rs.93,200/-, from the house of the accused, without any valid permit. Hence, the complaint.



3. The learned counsel for the petitioner submitted the petitioner is innocent and a false case was foisted against him. Earlier he was arrested in Crime No.347 of 2022 and while he was in custody, this case has been registered. The petitioner has already been granted bail in other cases. Hence, prays to release the petitioner on anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that the respondent Police has seized fire crackers worth about Rs.93,200/- from the house of the respondent, without any valid permit. Hence, prays to dismiss the petition.

5. At this juncture, the learned counsel for the petitioner submitted that the alleged fire crackers were kept for his own use and not for sale. However, without prejudice to his rights and defence, to show his *bona fides*, ready to deposit a sum of Rs.25,000/- to the credit of Hon'ble Prime Minister's relief Fund and in this regard, he has filed an memo. Hence, prays to release the petitioner on anticipatory bail.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the facts and circumstances of the case and considering the readiness and willingness of the petitioner to deposit amount to the credit of the Hon'ble Prime Minister's Relief Fund, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner shall deposit a sum of ***Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of the Honourable Prime Minister's Relief Fund for sending reliefs to the victims of the earth quake in Syria and Turkey***, without prejudice to their rights and contentions before the trial Court. However, it is made clear that in view of the deposit being made by the petitioner, it would not amount to admission of guilt by him.

9. On such deposit being made, 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.III, Dindigul***, 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 passbook to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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]**; and;

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

sd/-

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

TO

1. The Judicial Magistrate No.III, Dindigul.
2. Do-Through The Chief Judicial Magistrate,
Dindugal District.
3. The Inspector of Police,
Shanarpatti Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.1976(I)

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ORDER

IN

CRL OP (MD) No.2406 of 2023

Date :07/02/2023