



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

Date : 28.04.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.8302 of 2023

Palavesam

... Petitioner/Accused Rank
Not known

Vs

State through
The Inspector of Police,
Anna Nagar Police Station,
Madurai District.
Crime No.234 of 2009

... Respondent/Complainant

For Petitioner : Mr.K.Jeyamohan
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

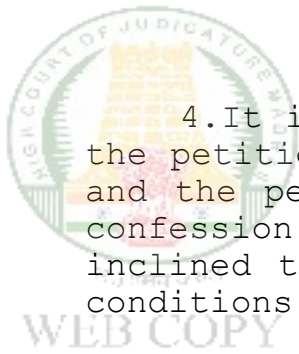
For Anticipatory Bail in Crime No.16 of 2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A14, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 3(a) &
4(b) of the Indian Explosive Substances Act, 1908 in Crime No.234 of
2009 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 15.06.2009, the
defacto complainant found a green colour bag near Vandiyur bridge
and it contains 13 small vessels. When he threw one of those
vessels, it exploded. Hence, the case.

3.Heard both sides and perused the materials available in the
record.



4.It is seen that there are totally 15 accused in this and the petitioner herein is arrayed as A14. The crime of the year 2009 and the petitioner was implicated as an accused only based on the confession statement of the co-accused. Hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5.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.VI, Madurai District 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, daily at 10.30 A.M., for a period of two weeks 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 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 FIR can be registered under Section 229A IPC.

sd/-

28/04/2023

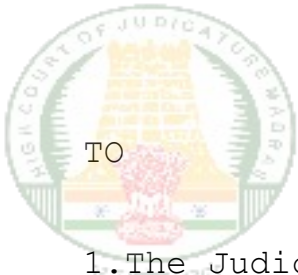
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

<https://www.mhc.tn.gov.in/judis>



TO

1.The Judicial Magistrate No.VI,
Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
Anna Nagar Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.JEYAMOHAN K, Advocate (SR-6933[I] dated 28/04/2023)

ORDER
IN
CRL OP (MD) No.8302 of 2023
DATE :28.04.2023

NA/MMS/SAR-4/17.05.2023/3P/6C