



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

Date : 15/06/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.10380 of 2023

WEB COPY

Ganesan

... Petitioner/Accused No.1

Vs

The State Rep.by
The Inspector of Police,
Vembakkottai Police Station,
Vembakkottai,
Virudhunagar District
(Crime No.137of 2023).

... Respondent/Complainant

For Petitioner : M/s.Prabha S,
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.137 of 2023 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section
9[B](1)(a) of Indian Explosive Act, in Crime No.137 of 2023 on the
file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.05.2023 at 12.30
a.m., while the respondent police on patrolling duty in Vembakottai
to Tayilapatti Road, found that the petitioner along with other
accused manufacturing crackers without any permission and seized
crackers from the petitioner about 15 kgs of crackers. Hence, the
case.

3.Heard. Perused the materials available on record including
the First Information Report.

4.Taking into consideration of the facts and circumstances of
the case, 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.II, Sattur, Virudhunagar 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/-
15/06/2023

/ TRUE COPY /

/ 07 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



TO

1. The Judicial Magistrate No.II,
Sattur, Virudhunagar District.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputtur.
3. The Inspector of Police,
Vembakkottai Police Station,
Vembakkottai, Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.10380 of 2023

Date :15/06/2023

RD/MGA (03/07/2023) 3P 5C