



CRL OP(MD). No.17892 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

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Valan,

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(In Crime No.101 of 2023).

... Respondent/Complainant

For Petitioner : M/s.SUSI KUMAR.C,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in crime no.101 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 385 and 427 IPC r/w. Section 3, 4(a) of Explosive Substances Act, 1908 in Crime No.101 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner herein and other accused



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said to have waylaid the defacto complainant's boat and thrown away the country bomb and also damaged the defacto complainant's boat. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioner waylaid the defacto complainant's boat and thrown away country bomb and caused damage to the boat worth about Rs.1,000/- and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact there is no serious allegation made against the petitioner except thrown away the country bomb, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6.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, Radhapuram 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 learned Magistrate concerned and on further condition that:



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[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

[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/-
09/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE, RADHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-14936[I] dated 10/10/2023)

ORDER IN

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Date :09/10/2023

SA/JGB/SAR. /16.10.2023/4P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.