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Crl.O.P.No.30446 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 30446 of 2024

Ramamoorthy
S/O. PERUMALASAMY, No.1/35, Kamarajar Street,
Eachangal, Vellore

Petitioner(s)

Vs

State Rep By Its
The Inspector Of Police, Ambalur Police Station,
Thirupatur District (crime No. 373 Of 2024)

Respondent(s)

For Petitioner(s):

T Shanmugam
P.K. Harinath Baby
K.G. Sripathi
S. Sivasakthi
G. Ajith

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 3 & 5A of Explosive Substance Act, 1908 and 9(B)(1)(a) of the Indian Explosive Act, 1884 in Crime No.373 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the petitioner along with other accused had illegally kept crackers, which were unauthorized by the Government in their house and the same accidentally blasted, due to which the nearby houses of the petitioner were damaged. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that the petitioner is innocent and had not committed any offence as alleged by the prosecution and he has been falsely implicated in the case. He also submitted that the petitioner's son had purchased the said crackers for condolence from Gudiyatham and the crackers had accidentally blasted due to AC heat. He also submitted that the co-accused was arrested and released on bail and the petitioner herein is aged about 72 years and he is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and is also ready to appear and co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner along with other accused, who is the son of the petitioner had illegally kept explosives, which were unauthorized by the



Government, further the said explosives had accidentally blasted, due to which the neighboring houses of the petitioner were damaged.

5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and the main accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Vaniyambadi** on condition that the petitioner shall execute a separate 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:



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[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 everyday 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 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 269 of B.N.S.



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To

1. State Rep By Its
The Inspector Of Police, Ambalur Police Station, Thirupatur
District (crime No. 373 Of 2024)

A.D. JAGADISH CHANDIRA, J.

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