



CRL OP(MD) No.2664 of 2024

WEB COPY

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2664 of 2024

SHANMUGAKUMAR.T

... PETITIONER / SOLE ACCUSED

Vs

INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.50 OF 2024)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N DILIPKUMAR, Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.50 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for

the alleged offence under Sections 9(B)(1)(a) of the Explosives Act, 1884 in Crime

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



CRL OP(MD) No.2664 of 2024

No.50 of 2024, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant along with the Special Tahsildar, were on inspection, they visited the fireworks factory of the petitioner and noticed that the petitioner had indulged in the manufacture of the prohibited fireworks item of joint crackers. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further, the petitioner obtained a valid license as mandated under the Explosives Act, 1884. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that there is no previous case against the petitioner. Hence, he has no objection to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial



CRL OP(MD) No.2664 of 2024

Magistrate No.II, Sivakasi, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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

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



CRL OP(MD) No.2664 of 2024

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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUANGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSEPCTOR OF POLICE
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD) No.2664 of 2024

WEB COPY

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-2260[I] dated 22/02/2024)

ORDER
IN

CRL OP(MD) No.2664 of 2024

Date :20/02/2024

PKP/VR/SAR /27.02.2024/ 5P/6C

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