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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.15433 of 2024

Ganesan

... Petitioner/ Accused

Vs

The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.

... Respondent/Complainant

For Petitioner : Mr.S Gurumoorthy,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PRAYER :- For Anticipatory Bail in Crime No. 234 of 2024 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 Section 9(B) (1)(a) of Indian Explosives Act, in Cr.No.234 of 2024, seeks anticipatory bail.

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

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illegally manufactured Explosive cracker without getting any licence. Hence, the



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3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the facts and circumstances of the case and also considering the nature of allegations in this case that the accused are running a cracker unit without license, and considering the submission made by the learned for the petitioner that he will file an affidavit that he will not operate the cracker unit, until they get license, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sathur, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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;

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(b) As undertaken by the learned counsel for the petitioner, **the petitioner shall**



file an affidavit, before the trial Court, to close the cracker unit and to open the same only after getting license.

(c) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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 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/-
12/09/2024

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



1 THE JUDICIAL MAGISTRATE
SATTUR.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR.

3 THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S.GURUMOORTHY, Advocate (SR-11335[I] dated 13/09/2024)

ORDER

IN

CRL OP(MD) No.15433 of 2024

Date : 12/09/2024

BV(21/09/2024) 4P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.