



CRL OP(MD). No.15534 of 2024

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

Date : 13/09/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY
CRL OP(MD). No.15534 of 2024

Venkateswaran @ Venkatesh

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.194 of 2024

... Respondent/Complainant

For Petitioner : M/s.Jagdeeshwaran.R, Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime no.194 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 288 of BNS r/w. Section 9(B)(1)(a) of Indian Explosives Act, 1884 in Crime.No.194 of 2024, seeks anticipatory bail.

2.The case of the prosecution is that without valid license, the petitioner herein is running a cracker manufacturing unit. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Government

Advocate (Crl. Side) appearing for the respondent Police and perused the materials

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



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available on record.

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4. Considering the nature of allegations that the petitioner is running a cracker manufacturing unit without getting a license and considering the argument of the learned counsel for the petitioner that the petitioner will file an affidavit of undertaking that he will close the unit and only after getting the license, he will reopen the unit and considering the fact that there are no bad antecedents against the petitioner, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5. Accordingly, 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, Virudhunagar, 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 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 per the undertaking, the petitioner shall file an affidavit before the trial Court that he will close down the cracker unit and he will not reopen the same until he gets any license and also he will not run any other unit without licence;

(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;

(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/-
13/09/2024

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/10/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE SUB INSPECTOR OF POLICE, AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.JAGADEESHWARAN, Advocate (SR-11333[I] dated 13/09/2024)

ORDER

IN

CRL OP(MD) No.15534 of 2024

Date :13/09/2024

RS/JGB/SAR-(01.10.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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