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Crl.O.P.No.5478 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5478 of 2025

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...Petitioner/1stAccused

Vs.

The State rep by
The Inspector of Police,
Melchengam Police Station,
Melchengam,
Tiruvannamalai District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of BNSS to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.26 of 2025 pending on the file of the respondent.

For Petitioner :Mr.B.Jawahar

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who apprehends arrest at the hands of the respondent, seeking anticipatory bail in Crime No.26 of 2025 registered for the offence under Section 110 B.N.S and



Sections 9(B)(1)(a), 9(B)(1)(b) of Indian Explosives Act, 1884 and Section 3 of Explosives Substances Act, 1908.

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2. The case of the prosecution is that the petitioner/first accused is the owner of the land and that he along with other accused had purchased explosive substances for the purpose of making country made bombs for digging Well; and that while they were preparing the bomb, it had accidentally exploded and caused injuries, as a result of which A3 lost his three fingers and A4 sustained injuries in his chest. Hence the case.

3. The learned counsel for the petitioner would submit that the allegations are false; that the petitioner has nothing to do with the alleged incident and that the victims are the petitioner's employees who were engaged in digging the Well and that in any case, custodial interrogation is not required and sought for anticipatory bail.

4. The learned Government Advocate (CrI.Side) reiterated the prosecution case and submitted that the petitioner along with accused 2 to 4 prepared country made bombs for digging the Well and it exploded



accidentally, due to which, accused 3 and 4 were injured and further submitted that the investigation is pending.

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5.Considering the fact that the explosives meant for digging the Well had exploded accidentally and the fact that the petitioner has no bad antecedents, this Court is of the view that custodial interrogation is not required for the purpose of investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain 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, Chengam**, 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:

[a] 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;

WEB COPY [b]the petitioner shall report before the respondent Police twice a week i.e, Monday and Friday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 269 B.N.S.

28.02.2025

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Copy to:

1.The Inspector of Police,
Melchengam Police Station,
Melchengam,
Tiruvannamalai District

2.The Judicial Magistrate, Chengam.

3.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.



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