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Crl.O.P.No.8869 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8869 of 2025

Varun

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.

(Crime No.68 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.68 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Dhasarathan

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 06.03.2025, seeking bail



in Crime No.68 of 2025 registered for the offence under Section 9(B)(1)(b) of the Indian Explosives Act, 1884 @ Sections 4(b) and 5 of Explosives Act.

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2.It is the case of the prosecution that on 28.02.2025 at about 5.00 p.m., the respondent and their officials conducted routine vehicle checkup; that they intercepted a vehicle bearing Registration No.TN-47-AM-5938 and found the petitioner along with the other accused in possession of 4675 kgs of Ammonium Sulphate for sale. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent; that the petitioner has valid license to sell explosives upto 44,000 nos of Detonators and 40,000 kgs of Nitrate Mixture; that the petitioner has no bad antecedents; and that the petitioner is in custody from 06.03.2025 and hence further custody of the petitioner is not required and sought for bail.

4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner has no bad antecedents.



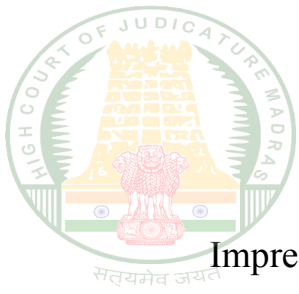
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5.Heard the learned counsel on either side and perused the materials available on record.

6.Admittedly, the petitioner is the valid license holder for selling the explosives including 40,000 kgs of Nitrate Mixture. The seized quantity is 4675 kgs of Ammonium Sulphate.

7.Considering the aforesaid facts, the nature of allegations, period of incarceration, the fact that the petitioner has no bad antecedents and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions:

8.Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **Judicial Magistrate, Kumarapalayam, Namakkal District**, and on further conditions that:



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[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;

[b] the petitioner shall report before the Inspector of Police, Uthankarai Police Station, Krishnagiri, twice a week i.e., on every Monday and Thursday at 10.30 a.m., until further orders;

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

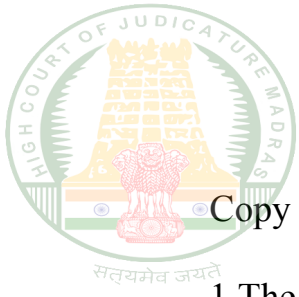
[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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.

25.03.2025

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Copy to:

1.The Inspector of Police,
Kumarapalayam Police Station,
Namakkal District.

2.The Judicial Magistrate, Kumarapalayam, Namakkal District.

3.The Superintendent of Prison,
Central Prison, Salem.

4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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