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CrI OP No.11754 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 22.04.2025

CORAM :

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

CrI.O.P.No.11754 of 2025

Ismail K.

... Petitioner

Versus

The State Rep by,  
The Inspector of Police,  
Komarapalayam Police Station,  
Namakkal District.  
Crime No.68 of 2025.

... Respondent

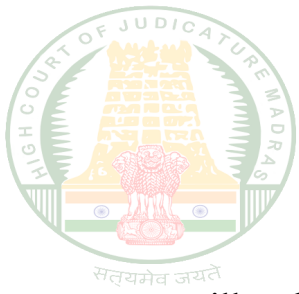
**Prayer:** Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioner on bail in the event of his arrest in Crime No.68 of 2025 on the file of the respondent police.

For petitioner : Mr. T.Dhasarathan

For Respondent : Mr.S.Balaji,  
Government Advocate (CrI.Side)

**ORDER**

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Sections 9(B)(1)(b) of the Indian Explosives Act 1884 and subsequently it was altered as under Sections 4(b) and 5 of Explosives Act, in Crime No.68 of 2025, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the co-accused were found in illegal possession of 4675 kgs Ammonium Nitrates and huge quantities of detonators and were arrested and their confession revealed that it was meant to be delivered to the petitioner. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner/A12 is innocent; that the petitioner is sought to be implicated based on the confession of the co-accused; that the co-accused was arrested and released on bail by this Court in Crl.OP.No.8869 of 2025 dated 25.03.2025 and hence sought for anticipatory bail.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and on instructions submitted that the petitioner is implicated on the confession of the co-accused; that the co-accused was arrested and released on bail; that the contraband has been seized and that the petitioner has five previous cases (3 of which were registered in the year 2006 and the two other cases in the year 2010).

5. Heard both sides and perused the materials available on record.



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6. Admittedly the contraband was not seized from this petitioner. The co-accused were released on bail on the ground that the sellers had license to sell the explosives and the contraband was seized. The petitioner is sought to be implicated based on confession of co-accused. The previous cases registered against the petitioner were of the year 2006 and 2010. In such circumstances, 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.

7. 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, Kumarapalayam, Namakkal District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two sureties** 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:



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[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;

**[b] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.**

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

[d] the petitioner shall not abscond 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 of B.N.S.

**22.04.2025**

drl



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To

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

2. The Public Prosecutor,  
High Court of Madras, Chennai.

**SUNDER MOHAN J.**



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*drl*

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