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Crl OP No.32371 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 32371 of 2024

1.Munireddy

2.Girish

Petitioner(s)

Vs

The State by
The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.
(Crime No. 590 of 2024)

Respondent(s)

For Petitioner(s):

Mr.John Sathyan, Senior Advocate
for Mr.P.Divakar

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

For intervener :

Mr.C.Prabakaran

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 9(B)(1)(b) of Indian Explosive Act and Section 288 of BNS, in Crime No. 590 of 2024, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners were running a quarry and that the defacto complainant's nephew went to the quarry to play; that when he entered the quarry room, he took a small explosive substance in his hand, and thereafter, the explosive material exploded, causing injuries to three fingers on the right hand of the defacto complainant's nephew. Hence the case.

3. The learned Senior Counsel appearing for the petitioners submitted that the petitioners were running a licensed quarry; that the victim had trespassed into the quarry and taken explosives; that the petitioners are not liable for the offence; and that the custodial interrogation of the petitioners is not required and prayed for anticipatory bail to the petitioner.

4. Learned Senior Counsel further submitted that, to show his bonafide without prejudice to his defense and contention, he is ready to pay a sum of Rs.5 lakhs, to the victim, though they had not committed any offence.



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5. Learned Counsel appearing for the defacto complainant would submit that the mother of the victim stated that the compensation may be paid to the victim on account of the injuries sustained by the victim; that she will also file an affidavit stating that the payment of Rs.5 lakhs would not be construed as incriminating the petitioner of the alleged offence; and the money would be used for her son's education and medical expenses.

6. The learned Government Advocate [criminal side] appearing for the respondent police also concedes the same.

7. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

8. At this juncture, the learned Senior Counsel appearing for the petitioner submitted that the petitioner would make a donation to the legal services authority, who in turn can hand over the amount to the defacto complainant. He relied on the order in Parvinder Singh Vs Central Bureau of Investigation dated 21.01.2025 of the Delhi High Court,



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wherein, the Court directed the accused to make voluntary donation to the Legal Services Authority and thereafter, the Legal Services Authority was directed to make payment to the defacto complainant. This Court is of the view that considering the right of the petitioners to defend their case, the said method can be adopted in this case also.

9. Accordingly, the petitioner shall make a deposit of a sum of Rs.5 lakhs to the District Legal Services Authority, Krishnagiri which shall be treated as donation. The District Legal Services Authority shall hand over the said amount to the defacto complainant, mother of the victim.

10. It is made clear that the payment of the said amount of Rs.5 lakhs as a donation to the District Legal Services Authority, Krishnagiri District, would not be construed as an admission of guilt by the petitioner.

11. Considering the aforesaid facts, the submissions made by the learned counsels on either side and since custodial interrogation of the petitioners is not required, this Court is inclined to grant anticipatory bail



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to the petitioners subject to the following conditions

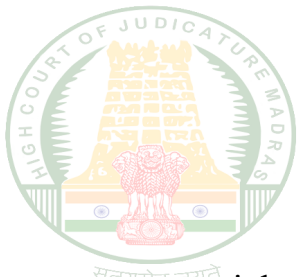
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(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Hosur**, on condition that the petitioners 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police daily at 10.30 a.m, until further orders.

(c) **the petitioners shall deposit a sum of Rs.5,00,000/- to the District Legal Services Authority, Krishnagiri within a period of two weeks from the date of receipt of a copy of this order, and the said amount shall be handed over to the defacto complainant, the mother of the victim by the District Legal Services Authority, Krishnagiri.**

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;



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[e] the petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

17-02-2025

drl

To

1. The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District.



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SUNDER MOHAN, J

drl

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