

CRL.OP(MD). No.4871 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4871 of 2025

Azhaghuraja

... Petitioner/ A3

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
Crime No.108 of 2024

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner / A3 on bail in the event of his arrest or surrender before the concerned Court in Crime No.108 of 2024 on the file of the respondent-police.

For Petitioner : Mr.A.Manikandan

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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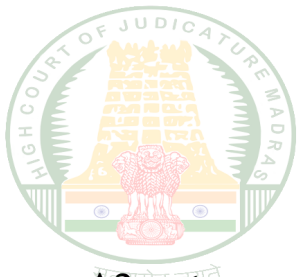
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2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Section 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.108 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 09.09.2024, at about 01.30 pm., based on the secret information about the illegal manufacturing of explosives without permission at one Ramar/A1' Poultry farm, the respondent-police went to the said farm. At that time, A4 and A5 were manufacturing illegal explosives without permission or license. On enquiry, A4 and A5 gave a confession that the petitioner and other accused persons were also involved in manufacturing of illegal explosives without permission or license. Hence, the complaint.

4. Mr.A.Manikandan, learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that there are five accused persons in this case and that A4 and A5 were arrested and released on bail and that A1 and



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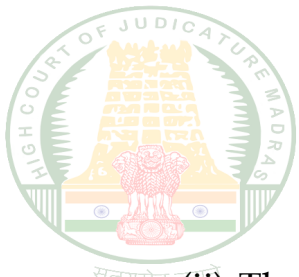
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A2 got pre-arrest bail before the trial Court. He further submits that the accused persons manufactured crackers illegally without license, and therefore, if pre-arrest bail is granted to the petitioner, he will commit similar offence. He therefore prays for dismissal of this criminal original petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the overt act attributed against the petitioner and also considering the facts and circumstances of the case, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Sattur, Virudhunagar District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Sattur, Virudhunagar District.



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(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 am., until further orders.

(iv) The petitioner make himself available for interrogation by a police officer as and when required.

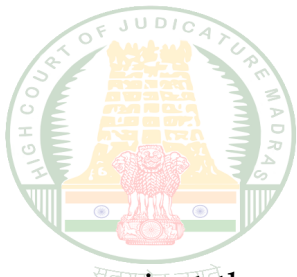
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders



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against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

Sd/-
17.03.2025

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/04/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, SATTUR,
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
ALANGULAM
POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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WEB COPY +1 CC to MR.A.MANIKANDAN, Advocate (SR-3014[I] dated 18/03/2025)

ORDER
IN
CRL OP(MD) No.4871 of 2025
Date :17/03/2025

AS/ (03/04/2025) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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