

In the Court of the Principal District Judge, Madurai.

Present : Tmt.A. Nazeema Banu, B.A., L.L.M.,

Principal District Judge, Madurai.

Friday, this the 5th day of June -2020.

Cr.L.M.P.No.2515/2020

Velmurugan (A3), S/o.Subramani

... Petitioner/Accused.

Vs

State through the Inspector of Police,

Uthappanayakkanur P.S. Cr.No.300/2020

... Respondent/Complainant.

This petition taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.P.Jeyaraj, Advocate for the petitioner and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Anticipatory Bail application u/s. 438 of Cr.p.c.
2. The offences alleged are U/s. 5 of Explosives Substances Act.
3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that a case has been registered against the accused in Cr.No.300/2020 of Uthappanayakkanur P.S. U/Sec. 5 of Explosives Substances Act, co-accused have been granted bail by this Court in Cr.M.P.No.2537/2020 dated: 4.6.2020, the petitioner is arrayed as A3 and he is the owner of the Annai Explosives Shop and he has valid licence for holding the Explosives Substances, issued by the Joint Commissioner, Explosives Substances. The learned public prosecutor would submit that on the date of occurrence, as per instruction of this petitioner, the A1 and A2 transported the explosives in TATA sumo vehicle to Sathpagiri Crusher at M. Kallupatti without proper procedure in transporting the explosives, which is endanger to the life and he objected to allow the petition. Considering the fact that the petitioner is having valid licence to handle the explosive substances, substantial part of investigation is over and co-accused have been granted bail by this Court in

Cr.M.P.No.2537/2020 dated: 4.6.2020, this court is inclined to grant anticipatory bail to the petitioner on condition.

5. In the result, in the event of arrest or on his surrender before the Court concerned, the Petitioner is ordered to be enlarged on anticipatory bail on his executing own bond each for a sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate concerned subject to the following conditions:-

(i) After a period of 6 weeks, the petitioner should surrender before the Judicial Magistrate concerned and execute a fresh bond for Rs.10,000/- with two sureties for likesum each to the satisfaction of Judicial Magistrate concerned. Thereafter, the petitioner shall appear and sign before the Inspector of Police, Respondent Police Station daily at 10.00 a.m., until further orders.

(ii) The petitioner shall not tamper with the witness or in any manner interfering with or put obstacle to the smooth progress of interrogation.

(iii) If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail order though bail granted by the Sessions Court, as per ruling of the Hon'ble Supreme Court reported in ***P.K. Shaji /Vs./State of Kerala (2005) AIR SC W 5560***. Accordingly, the petition is allowed.

Pronounced by me in Camp Court on the 5th day of June -2020.

Sd/- A.Nazeema Banu

Principal District Judge, Madurai

Copy to

1. The Judicial Magistrate concerned
2. The Inspector of Police, Uthappanayakanur P.S.
3. The Petitioner through his counsel.