



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirtieth day of November Two Thousand Sixteen

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PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22186 of 2016

N.SUTHANTHIRA RAJAN

... PETITIONER/ ACCUSED No.1

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
SIVAKASI,
(CRIME NO.807 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.DILIP KUMAR Advocate

For Respondent : Mrs.S.PRABHA, Government Advocate (Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the alleged offence punishable under Sections 286, 337, 304 of IPC r/w Section 9B)(1)(a) of Explosives Act and Section 3 of T.N.P.P.D.L Act in Crime No.807 of 2016 on the file of the respondent Police, seeks anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the petitioner is the licence holder of the cracker shop and he had permitted the accused Nos.2 and 3 to run the shops, wherein due to mishandling of crackers being done by the load men/accused , the mishap had happened on 14.11.2016.

4.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

5.The learned Government Advocate (Crl.side) vehemently opposed for grant of anticipatory bail to the petitioner, as lives of nine persons have been lost due to the act of the accused. It has been brought to the notice of this Court that due to the negligence in



loading crackers, there is no untoward events in the shop, but there was a huge loss to the adjacent Scan Centre, which resulted in the death of employees employed at the said Scan Centre and Cracker Shop, for which compensation of Rs.3 lakhs have been paid to each of the deceased family.

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6. Taking note of the fact that grievous injuries have been caused to the persons employed in the **Scan Center** and that the petitioner/accused also agreed to pay a sum of Rs.2,00,000/- each to the **legal heirs of the deceased persons** (9 in number), this Court is inclined to grant anticipatory bail to the petitioner. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Sivakasi on condition that the petitioner shall execute a separate 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 learned Magistrate concerned and on further condition that:

(i) the petitioner, shall deposit **Rs.18,00,000/- (Rupees eighteen lakhs only)** to the credit of Crime No.807 of 2016 before the learned Judicial Magistrate, Sivakasi by way of Demand Draft, which, in turn, shall be disbursed **to the legal heirs of the deceased equally**, on proper identification, by the Trial Court by way of Demand Draft and the petitioner shall deposit the said amount in two equal installments and the first installment shall be deposited on or before 20.12.2016 and the second installment shall be deposited on or before 05.01.2017.

ii] the petitioner shall report before the respondent Police daily at 10:30 a.m., until further orders.

iii] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[iv] the petitioner shall not abscond either during investigation or trial.

[v] 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]**.

sd/-

30/11/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE
SIVAKASI

2 THE CHIEF JUDICIAL MAGISTRATE
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION, SIVAKASI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.N.DILIP KUMAR Advocate SR.No.74444

ORDER

IN

CRL OP (MD) No.22186 of 2016

Date :30/11/2016

pm

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