



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

Wednesday, the Fourteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2929 of 2018

1 R.GANESAN
2 R.PAULPANDI
3 R.ALAGARSAMY
4 K.P.PANDIAN

... PETITIONERS/ACCUSED 1 to 4

Vs

THE STATE OF TAMILNADU
THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CR.NO. 45/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.N.DILIP KUMAR, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Reserved on : 08.03.2018

Delivered on : 14.03.2018

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 286 and 304(ii) IPC and Sections 2 and 4 of Explosives Substances Act, in Crime No.45 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 1 and 2 are the owners of M/s.Atlas Fireworks Factory. The third petitioner is working as Accountant and the fourth petitioner is working as Supervisor. On the fateful day, due to mishandling of crackers being done by the deceased, the mishap had happened on 19.02.2018.



3.It is submitted by the learned counsel appearing for the petitioners that the petitioners are innocent persons, they were not present in the scene of occurrence and they have not committed any offence and prays for anticipatory bail in favour of the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the State vehemently opposed for grant of anticipatory bail to the petitioners, as lives of two persons have been lost due to the act of the petitioners.

5.Taking note of the fact that two persons died in the alleged incident and that the petitioners 1 and 2 herein have filed an affidavit of undertaking, dated 07.03.2018, undertaking to deposit a total sum of Rs.10,00,000/- towards payment of *ex gratia* compensation at the rate of Rs.5,00,000/- each to the legal heirs of the deceased employees, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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.II, Virudhunagar, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- [Rupees Twenty Five 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 petitioners 1 and 2 shall deposit Rs.10,00,000/- [Rupees Ten Lakhs only] to the credit of Crime No.45 of 2018 before the learned Judicial Magistrate No.II, Virudhunagar, 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 petitioners 1 and 2 shall deposit the said amount on or before 31.03.2018.
- (ii) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
14/03/2018

/ TRUE COPY /

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

TO

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

ORDER
IN
CRL OP(MD) No.2929 of 2018
Date :14/03/2018

PK/PN/SAR-2/14.03.2018 : 3P/5C