



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

Monday, the Fifteenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4680 of 2019

S.PREM KUMAR

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 36/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.G.THALAIMUTHARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATI,
Govt. 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 offences under Sections 286, 337, 338, 304(2) IPC and Section 9(b)(i)(a) of Explosives Act, 1884 in Cr.No.36 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the first accused is the owner of Sri Kunam Cracker Factory, in which the petitioner is an employee, wherein, there was a fire accident occurred. Due to which, 7 persons died and 14 persons were injured and subsequently, the first accused also passed away. Since the petitioner is a Manager of the said fire works, the Law Enforcing Agency has registered this case against the petitioner as well as the owner of the said company.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. The petitioner is an



employee of the first accused. However, he is escaped from the fire accident.

4. The learned Government Advocate (Crl. side) appearing for the respondent police did not dispute the facts disclosed by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that there is no specific allegation against the petitioner, 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, Sankarankovil, Tirunelveli District, on condition that the petitioner 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 learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TIRUNELVELI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE
THIRUVENGADAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-6880[I] dated
16/04/2019)

ORDER

IN

CRL OP (MD) No.4680 of 2019

Date :15/04/2019

Myr

AE/PN/SAR-II/22.04.2019/3P/6C