



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 06/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7261 of 2019

Muniyasamy,

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District,
Crime No.184/2019.

... Respondent/Complainant

For Petitioner : M/s.P.M.Vishnuvarthanan,
Advocate.

For Respondent : Mr.V.Neelakandan,
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 offences punishable under Section 286, 337, 427 of IPC r/w 9 (B) 1 (a) of Explosive Act, 1884, in Crime No. 184 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that even as per the FIR, the petitioner is only working in the Fireworks Factory owned by the first accused. He further submitted that the injured persons sustained only simple injuries. They have already discharged from the hospital and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent has submitted that totally three accused involved in the above case and he further submitted that A1 is the owner of the 'Chain Crakers' factory. The petitioner herein



is working in his factory. He further submitted that on 09.05.2019, fire aroused in the said factory and three persons were sustained injuries. However, he fairly conceded that the said persons only sustained simple injuries and they have already discharged from the hospital.

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5. Taking into consideration of the fact that the petitioner is only working in the fire works factory only as a worker and also considering the fact that the injured persons sustained only simple injuries and they have already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, No.II, Sattur 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(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 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].

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

sd/-
06/06/2019

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TO

1. The Judicial Magistrate No.II, Sattur.

2.Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.

3.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District, Crime No.184/2019.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to Mr.P.M.VISHNUVARTHANAN Advocate SR.No.67499

ORDER

IN

CRL OP(MD) No.7261 of 2019

Date :06/06/2019

das

AE/PN/SAR-III (11.06.2019) 3P 6C