



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

Date : 06/06/2019

PRESENT

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The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7662 of 2019

Jeyasankar

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No.227/2019)

... Respondent/Complainant

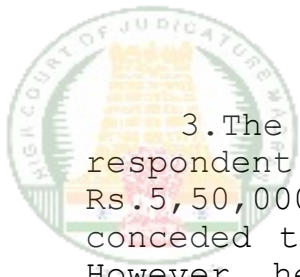
For Petitioner : M/s.P.Mani Anandh, Advocate
For Respondent : V.Neelakandan,
Additional Public Prosecutor

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 Sections 286 and 304 I.P.C r/w 9(B)(i)(a) of Explosives Act, 1884, in Crime No.227 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted the petitioner is the owner of factory by name Naicker Nation Fireworks. He further submitted that on 30.05.2019, the petitioner was at Mumbai and on that date, accidentally, fire broken in the Fireworks Factory and due to the said incident, two workers namely Murugesan and Sundarajan died. He further submitted that with regard to the said incident, a case was registered against the petitioner and three other accused persons under Sections 286 and 304 I.P.C r/w 9(B)(i)(a) of Explosives Act, 1884. He further submitted that A-2 is a Foreman, A-3 is an Accountant and A-4 is a Supervisor of the said factory and they were arrested on 30.05.2019 and remanded to judicial custody. He further submitted that the Sessions Court has granted bail to A-2 and A-4 today(06.06.2019). He further submitted that already, the petitioner has paid a sum of Rs.5,50,000/- each to the wives of the deceased Murugesan and Sundarajan before the Revenue Inspector on 30.05.2019 itself. He further submitted that the petitioner has not committed any offence. Hence, he prayed for grant of anticipatory bail to the petitioner.



3. The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that the petitioner has already paid Rs.5,50,000/- each to the wives of the deceased persons and also conceded that the Sessions Court has granted bail to A-2 and A-4. However, he opposed this petition, as investigation is pending.

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4. Taking into consideration the fact that already accused Nos.2 to 4 were arrested and remanded to judicial custody and subsequently, A-2 and A-4 were released on bail by the Sessions Court and also the fact that already, the petitioner has paid a sum of Rs.5,50,000/- each to the wives of the deceased persons, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

5. Accordingly, the petitioner is 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, Sattur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 fails 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.

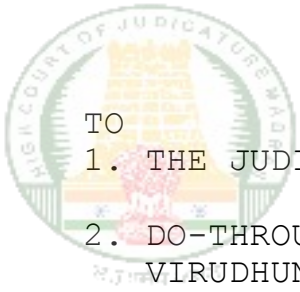
(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-

06/06/2019

/ TRUE COPY /



TO

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

+1. CC to Mr.P.MANI ANANDH Advocate SR.No.9205

ORDER

IN

CRL OP (MD) No.7662 of 2019

Date :06/06/2019

MS/VR/SAR-2/11.06.2019/3P.6C