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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9171 of 2019

Shunmugadevan @ Kutti,,

... Petitioner/Accused No.6

Vs

State through
The Sub Inspector of Police,
Thiruvenkatam Police Station,
Tirunelveli District.
in Cr.No.36/2019

... Respondent/Complainant

For Petitioner : M/s.R.Rajamohan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

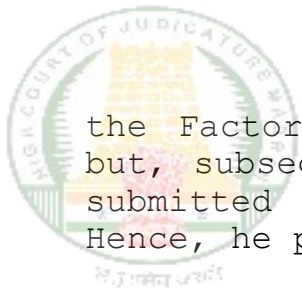
PRAYER :-

For Anticipatory bail in Cr.No.36 of 2019 on the file of the respondent police.

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, 337, 338, 304(ii) of IPC r/w Section 9(B)(1)(a) of Explosives Act, 1884 in Crime No.36 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that a fire accident took place in a Fire Works Factory, run by A-1 at Thiruvengadam, in which, 6 persons died and several persons sustained injuries. The petitioner is working as a Supervisor in the said Factory. Based on the complaint given by the Village Administrative Officer, FIR was registered against the the owner of



the Factory, wherein, the petitioner's name was not found place, but, subsequently, his name was included in the F.I.R. He further submitted that A-1 was already arrested and released on bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the petitioner is working as a Supervisor in the said Factory. He further submitted that A-1 has already paid a sum of Rs.3 lakhs as compensation to the families of the victims. He also submitted that A-1 was already arrested and released on bail. However, he fairly conceded that the petitioner has no previous case.

5. Taking into consideration of the submission made by the learned counsel for the petitioner that originally, the name of the petitioner has not been mentioned in the F.I.R and subsequently, he has been added as accused, also the fact that the petitioner is only a Supervisor, also the fact that already a sum of Rs.3 lakhs has been paid as compensation to the families of the victims, also the fact that A-1 was already arrested and subsequently, he was released on bail and also the fact that the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner, by imposing 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, Sankarankovil 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:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the interrogation.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

TO

- 1 THE JUDICIAL MAGISTRATE, SANKARANKOVIL.
 - 2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE,
THIRUVENKATAM POLICE STATION,
TIRUNELVELI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.RAJAMOHAN, Advocate (SR-11365[I] dated 10/07/2019)

ORDER
IN
CRL OP(MD) No.9171 of 2019
Date :09/07/2019

VS
AE/JC/SAR-II (18.07.2019) 3P 6C