



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

Date : 09/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9513 of 2020

MAREESWARAN

... PETITIONER/ACCUSED NO.2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 330/2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.P.Kalaiyarasi Bharathi,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

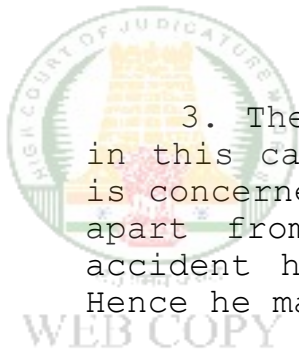
PRAYER :-

For a Bail in Crime No.330 of 2020 on the file respondent police

ORDER : The Court made the following order :-

The petitioner /A2 herein was arrested and remanded to judicial custody on 21.08.2020 for the alleged offences under Sections 308,304(2) IPC r/w.9(B)(1)(b) of Explosives Substances Act, 1884

2. There are totally two accused in this case and the petitioner herein is arrayed as A2. There was a fire accident in the match factory in Sattur Village, Virudhunagar District, where one person died and one person sustained injury. The case of the prosecution is that On the date of occurrence the petitioner herein who is the owner cum driver of the lorry carried match sticks to the A1 factory while it is being unloaded due to the negligence, the accident had taken place. Hence the complaint.



3. The learned counsel for the petitioner would submit that A1 in this case is the owner of the match factory and this petitioner is concerned he only transported match sticks to the match factory, apart from that he has no role. While unloading the same the accident has taken place and he is not responsible for the same. Hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that due to the negligence of the petitioner herein accident took place, in which one person sustained injury and one person died.

5. From the perusal of the record, it is seen that the only allegation levelled against the petitioner is that he has transported match sticks to the match factory in his lorry, and while it was unloaded the accident had happened. Further no other allegation has been levelled against him to show that because of his negligence the accident had taken place.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate No.II, Sattur

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during 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 229A IPC.

sd/-

09/09/2020

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/ /2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
SATTUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SATTUR TALUK POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9513 of 2020
Date :09/09/2020

AAV
JM/VR/SAR III/09.09.2020/3P/6C