



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10138 of 2020

1.M.Arappuli
2.Udayakumar
3.Kumar

... Petitioners/Accused No.1,3,4

Vs

The Sub Inspector of Police,
Uppliyapuram Police Station,
Thuraiyur Taluk,
Trichy, Trichy District.
(Crime No.1012 of 2020)

... Respondent/Complainant

For Petitioners: Mr.R.Sundar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1012 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1, A3 & A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 143, 188, 269, 270, 304(2) IPC., r/w Section 9(B)(1)(a), 9(B)(1)(b) of Explosive Act, 1884, in Crime No.1012 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners organise the temple festival and purchased some unlicensed country crackers. At that time A5/minor boy, who is aged about 13 years, accidentally set fire to the crackers, in which, the 7 years old boy seriously injured and subsequently succumbed to injury. Hence, the case has been registered.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that the petitioners are only organizers of the temple festival. The allegation is that the petitioners purchased the crackers for temple festival and unfortunately the crackers burst and a minor boy, who was 7 years old injured and subsequently died, accidentally. He further submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioners are organizers of the temple festival and purchased the unlicensed country crackers and they used the crackers, set fire accidentally and 7 years old boy injured and subsequently, he was died.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners are only organizers of the temple festival, even as per FIR, a minor boy accidentally set fire to the crackers, in which, a small boy aged about 7 years old died, except the organizing of the temple festival, no substantial allegation has been made against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

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

(d) the petitioners 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 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]; and;

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

sd/-
23/09/2020

/ TRUE COPY /

/ /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, THURAIYUR,
TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
UPPLIYAPURAM POLICE STATION,
THURAIYUR TALUK,
TRICHY, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10138 of 2020
Date : 23/09/2020

MS/JC/SAR-4/28.09.2020/3P.5C

<https://hcservices.ecourts.gov.in/hcservices/>