



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10913 of 2020

K.P.Pandian

... Petitioner/Accused No.2

Vs

The State rep. by
The Sub-Inspector of Police,
Amathur Police Station,
Virudhunagar District.
(Cr No.347/2020).

... Respondent/Complainant

For Petitioner : M/s.N.Dilip Kumar,
Advocate.

For Respondent : Mrs.M. Anandha Devi,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.347 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who is arrayed as A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 286, 304(2) of I.P.C and Sections 9(B)(1)(a) of Explosives Act, 1884, in Crime No.347 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the Village Administrative Officer is the defacto complainant. The allegation is that A-1 is owner and the petitioner is the Manager of M/s.Sri Murugeswari Fire Works. On the date of accident, the deceased employee was opening the chemical room, the door suddenly closed and in the friction there was a spark leading to the catching of fire upon the chemicals causing the accident. In the fire accident one employee died. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he is working as Manager of M/s. Sri Murugeswari Fire Works. While being so, unfortunately, the fire accident was occurred, due to which, one of the employee died on 29.08.2020. He further submitted that though safety measures have been taken, unfortunately one person died and he is not present in the scene of occurrence. He further submitted that the fireworks factory was running for the past 15 years with a valid license and renewed periodically. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that on 28.09.2020 at 08.45 a.m., the fire accident was occurred in M/s. Sri Murugeswari Fire Works. He further submitted that in the fire accident one employee died.

6. Considering the fact and circumstances of the case and considering the fact that custodial interrogation of the petitioner is not necessary, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, and on his executing 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 learned Magistrate concerned and on further condition that,

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., without fail for a period of Two weeks and thereafter, as and when required for 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]; and;

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

sd/-
07/10/2020

/ 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 NO.II,
VIRUDHUNAGAR.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB-INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-6858[I] dated 08/10/2020)

ORDER
IN
CRL OP(MD) No.10913 of 2020
Date :07/10/2020

KSA

<https://hcs.ces.ezmail.com/Reserve/13.10.2020/3P/6C>