



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2020

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PRESENT

The Hon'ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD). No.11892 of 2020

Marimuthu ... Petitioner/Accused No.4
Vs
The State rep. by
The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
Cr.No.296 of 2020. ... Respondent/Complainant

For Petitioner : M/s.S.M.Anantha Murugan,
Advocate.

For Respondent : Mr.R.Sreenivasan,
Government Advocate (Criminal Side)

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

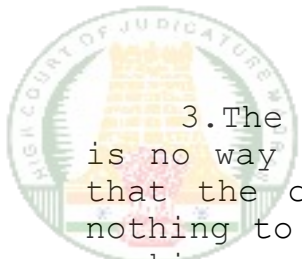
PRAYER :-

For Bail in Crime No.296 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested and remanded to judicial custody on 04.10.2020 for the offences punishable under Sections 286, 338 of IPC r/w Section 9(B)(1)(a) of Indian Explosives Act @ 286,304(ii) of IPC r/w. Section 9(B)(1)(a) of Indian Explosives Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that a complaint was given by the Village Administrative Officer, Soolakkarai, on 02.10.2020 that the petitioner and another accused are said to have purchased fire crackers raw materials without any licence and handed over the same to the first accused for the purpose of manufacturing fuse for the crackers. A1 handed over the same to the deceased Chitradevi for preparing the fuses and such prepared fuses were kept in the house of the said deceased. On the very same day at about 8.30 p.m. when the deceased Chitradevi lighted the oil lamp, the fuses got fired and as a result of which, the deceased sustained burn injuries and she succumbed to injuries. Hence, the complaint.



3.The learned counsel for the petitioner would submit that he is no way connected with the alleged offence and he has also stated that the case of the prosecution is a concocted story and he has nothing to do with the defacto complainant. According to him, he is working as a daily wage labour in a fire works company and he never has the habit of purchasing raw materials. He has also stated that he has got a child aged about 1 ½ years and the petitioner is in Judicial custody for a period nearly 19 days, hence he may be granted bail.

4.The learned Government Advocate(Criminal Side) would submit that the petitioner is regularly employing labourers to manufacture fire crackers by utilizing raw materials without obtaining licence. according to him, the area where the occurrence had happened is known for such illegal activities and the petitioner is also regularly in to that habit. However, the learned Government Advocate submitted that there is no previous criminal case is pending against the petitioner. He would also submit that initially a case was registered under Sections 286, 338 of IPC r/w Section 9(B)(1)(a) of Indian Explosives Act and later altered to Sections 286,304(ii) of IPC r/w. Section 9(B)(1)(a) of Indian Explosives Act

5.Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking into consideration the fact that no previous criminal case is pending against the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate No.I, Virudhunagar.

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 daily at 10.30 a.m until further orders.

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. Suresh 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/-
22/10/2020

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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.I,
VIRUDHUNAGAR DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
SOOLAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11892 of 2020
Date :22/10/2020

AAV
SRS/JC/SAR-IV/ 23.10.2020/ 3P/6C