



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

Date : 03/12/2020

PRESENT

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

CRL OP(MD). No.13534 of 2020

Alagarsamy ... Petitioner/Accused No.4

Vs

State Rep. by
The Inspector of Police,
T. Kallupatti Police Station,
Madurai.
Crime No. 2100/2020.

... Respondent/Complainant

For Petitioner : Mr.T.Antony Arulraj,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 2100 of 2020 on the
file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent Police for the offences punishable under Sections 304(2) and 308 of IPC, and Section 9(B)(1)(b) of Explosives Act, 1884, in Crime No.2100 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that on 23.10.2020, there was a major fire accident took place in the fire works factory owned by A-1 which was leased out to A-2 in which A-3 was working as a Foreman. Due to the fire accident, eight labourers died and other have sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that, though, prosecution alleged that the A2 is a leaseholder under A-1, A-2 runs the fire works factory and he was also working as an employee under A-1 and he only looking after the entire management.

<https://hdservices.ecourt.gov.in/hdservices> submit that on 23.10.2020, when the work was in



progress, the accident took place due to some other reason and not for the reason that the safety measures not followed by the management and other employees. He would further submit that, infact, A-1 has settled a sum of Rs.5 lakhs to each victims and also further negotiation is going on with the deceased family. However, the incident was took place not because of the negligence of the petitioner since he was not present at the time of occurrence. Infact, A-3 was working as a Foreman and he also sustained grievous injuries due to the accident and now, he died. Hence, he prayed to grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that entire investigation has been completed and the respondent police yet to file final report.

5.It is seen from the records that the petitioner was arrayed as A-4 and A-1 is owner of the fire works factory. Even, according to the case of the prosecution, A-2 runs the fire works factory. Further, A-2 has settled a sum of Rs.5 lakhs to each victims family and further negotiation is going on with the deceased family.

6.Considering the facts and circumstances of the case and also considering the fact that there is no previous case pending against the petitioner and A2 was arrested and released on bail by this Court, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Perayur, on condition that the petitioner shall execute 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 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 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 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

<https://hccasesreports.dhcc/hccservlets> 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/-
03/12/2020

/ 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,
PERAYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-7907[I] dated 04/12/2020)

ORDER
IN
CRL OP(MD) No.13534 of 2020
Date : 03/12/2020

vsg
JM/AKM/SAR III/10.12.2020/3P/6C