



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

Date : 02/12/2020

PRESENT

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

CRL OP(MD). No.13838 of 2020

Vairamuthu

... Petitioner/Accused No.2

Vs

State Represented by
The Inspector of Police,
T.Kallupatti Police Station,
Crime No.2100 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Deivanandam,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

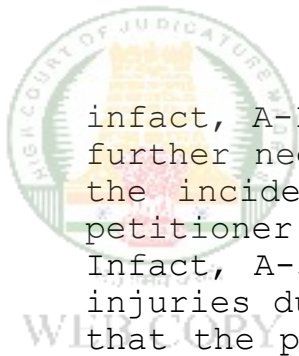
For Bail in Crime No. 2100 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 25.10.2020 for the offences punishable under Sections 304 (2), 308 of IPC and Section 9(B)(1)(b) of Explosives Act, 1884.

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 petitioner 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. He would further 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. He would also submit that the petitioner is in jail for more than 35 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner was already taken custodial interrogation by the respondent police. He would further 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-2 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. 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Peraiyur.

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., for a period of four weeks and thereafter 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/-
02/12/2020

/ TRUE COPY /

WEB 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, PERAIYUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION, MADURAI DISTRICT.

4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.DEIVANANDAM, Advocate (SR-7860[I] dated 03/12/2020)

ORDER
IN
CRL OP(MD) No.13838 of 2020
Date :02/12/2020

KSA
TK/AKM/SAR.3/02.12.2020/3P/7C