

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.18863 of 2020

Elangovan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Varanjaram Police Station,
Villupuram District.
(Crime No.975 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.975 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 286, 338 of IPC @ 304 (ii) of IPC, in Crime No.975 of 2020, seeks anticipatory bail.

2. The allegation is that on 14.11.2020, the petitioner running a small petty shop and he has also kept the crackers inside the house. Accidentally, the crackers fired and caused injury to the petitioner's 1 1/2 year grandson and another child is the petitioner's neighbour house daughter. Both are injured, due to which, both children are died. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is hailing from very respectable family and has no bad antecedents. He would further submit that the petitioner undertakes to abide by any conditions that may be imposed on him upon due enlargement on bail. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail on the ground that the petitioner is running the petty shop and he has also kept the crackers inside the house. Accidentally, the crackers fired and caused injury to the petitioner's 1 1/2 year grandson and another child is the petitioner's neighbour house daughter. Both are injured, due to which, both children are died.

5. Taking into consideration the facts and other circumstances of the case, the crackers purchased for Deepavali Festival was kept in the home and in accidentally exploded in which two young children died, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Kallakurichi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[c] 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.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
11/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE COURT,
KALLAKURICHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VARANJARAM POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.18863/2020

Date :11/01/2021

MN-25/01/2021