



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

Date : 31/03/2021
PRESENT

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The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . Nos.2485,3230 and 3312 of 2021

Raja ... Petitioner/Accused No.3
in Crl.O.P(MD) No.2485 of 2021

Kasthuri ... Petitioner/Accused No.11
in Crl.O.P(MD) No.3230 of 2021

Veni ... Petitioner/Accused No.12
in Crl.O.P(MD) No.3312 of 2021

Vs

State by
The Sub Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
Cr.No. 28 of 2021. .. Respondent/Complainant in all petitions

(In all petitions)

For Petitioner
in CRL OP(MD)No.2485 & 3312 of 2021 : M/s.Mahalakshmi S,
Advocate.

For Petitioner
in CRL OP(MD)No.3230 of 2021 :Mr.Michael Bharathi.M
Advocate

For Respondent : Mr.R.Srinivasan,
(in all petition) Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.28 of 2021 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A3,11 and 12, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
308, 304(1), 109 of IPC and Section 9(B)(1)(a) of Indian
Explosives Act,1884 seek anticipatory bail.



2. The case of the prosecution is that on 12.02.2021 at about 1.30 pm., at Shri Mariayammal Firework unit at Achankulam Village in Virudhunagar District explosion has occurred in which 26 persons died and 20 persons injured. Hence the complaint.

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3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. She would also submit that on humanitarian ground a sum of Rs.10 lakhs was paid to the victims as compensation which has also been encashed by the family members of the deceased. Further paid Rs.1,00,000/- towards the funeral expenses. The petitioner/A3 is the Manager, petitioner/A12 is the wife of A3, petitioner/A11 is the wife of the A6 only name lenders.

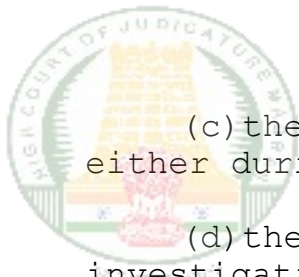
4. The learned Government Advocate(Crl.Side) filed a counter and submitted that the petitioners herein were manufacturing crackers without taking any precautionary measure and in lethargic manner and also dumped it into the godown. On the date of occurrence there was a fire accident in which 54 persons sustained grievous injuries, out of which 26 persons died. Further the petitioners have also paid a sum of Rs.10 lakhs to the victims as compensation which has also been encashed by the family members of the deceased

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that a sum of Rs.10 lakhs was paid to the victims as compensation and funeral expenses have been paid which has also been encashed by the family members of the deceased and the place from where the fire emanated is not certain and the case is that the fire spread from other sheds caused explosion, in view of the same, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sattur, Virudhunagar District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.



(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

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(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31.03.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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, SATTUR,
VIRUDHUNAGAR DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR
3. THE SUB INSPECTOR OF POLICE,
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-2854[I] dated 01/04/2021)
+1cc to Mr.V.Sasi Kumar, Advocate Sr.No.2853

ORDER IN
CRL OP (MD) Nos.2485,3230 and 3312 of 2021
Date : 31/03/2021