



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5046 of 2021

1. K.Anandh
2. A.Tamilselvi

... Petitioners/Accused Nos.1 and 2

Vs

State Rep.by
The Inspector of Police,
Appayanaickanpatti Police Station,
Virudhunagar District.
Crime No.30/2021.

... Respondent/Complainant

For Petitioners: Mr.M.Solaisamy,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime no. 30 of 2021 on the file of the respondent Police.

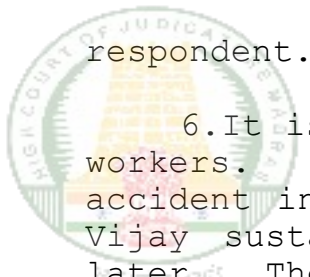
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 286 & 304 (ii) IPC r/s. 9(b)(1)(a) of Indian Explosive Act, in Crime No.30 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 24.03.2021, at about 12.40 p.m., an explosion took place at M.R.Fire works factory near Ramco Cements Tar Road. In that accident, a person namely Sankaralingam @ Vinay of Nallamamayakkanpatti Village had died.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that there is no bad antecedents as against the petitioners.



respondent.

6.It is seen that the first petitioner is the owner of M.R.Fire workers. On 24.03.2021, at about 12.40 p.m., there was a fire accident in the fire works. As a result, deceased Sankaralingam @ Vijay sustained grievous injuries and succumbed to the injuries later. The learned counsel for the petitioner submitted that the accident had taken place, beyond the control of the petitioners and the petitioners already deposited a sum of Rs.5 lakhs as compensation to the family of the deceased. He undertook to take all the necessary precautions in future.

7.The learned Government Advocate, also conceded that the petitioner has already paid a sum of Rs.5 lakhs as compensation to the family members of the deceased. However, when this Court enquired about the amount, the petitioner is willing to deposit the Court towards victim compensation. The learned counsel for the petitioner undertook to pay deposit a sum of Rs.1 lakh towards victim compensation. Considering the facts and circumstances of the case, and as the occurrence was an accident, this Court is inclined to grant anticipatory bail to the petitioner on the first petitioner depositing Rs.1 lakh in the criminal court in the Judicial Magistrate No.I, Sattur, towards victim compensation. Without prejudice to the defence in this case, the amount will be disbursed to the deserved at the end of the trial. Only on such deposit, the learned Magistrate shall accept the sureties.

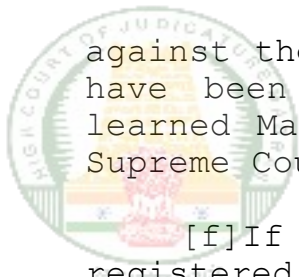
8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.1, Sivagangai, on condition that the petitioners shall execute 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 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders and the second petitioner shall report before the respondent police as and when required.

[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.



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].

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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/ /2021
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, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
4. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
5. THE INSPECTOR OF POLICE,
APPAYANAICKANPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SOLAISAMY.M. Advocate SR.No.3063

ORDER
IN
CRL OP(MD) No.5046 of 2021
Date :09/04/2021

TM

MS/PN/SAR-1/19.04.2021/3P.8C