



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

Date : 05/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.6256 of 2021

K.Raju

... Petitioner/Accused No.1

Vs

State represented through,
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District
(Crime No.81 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.Kannan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.81 of 2021 on the file of the respondent police

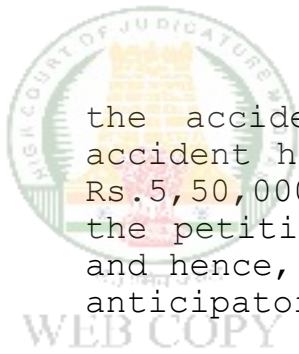
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 286, 337 and 304(2) IPC and Section 9(B)(1)(a) of the Indian Explosives Act, 1884 in Crime No.81 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 05.04.2021, at about 08.10 am., the defacto complainant, who is the Village Administrative Officer, heard blast from the Srikrishnasamy Fire Works. He along with Village Assistant visited the spot and they found that Room No.10 of the company was damaged and shattered along with some other rooms. One Tharmalingam found dead due to the blast and one Murugan and one Kandhasamy also suffered injuries. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way responsible for

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the accident. In spite of taking several safety measures, the accident had happened. It is his further submission that a sum of Rs.5,50,000/- was paid to the wife of the deceased Tharmalingam and the petitioner has also taken policy in Oriental Insurance Company and hence, they would be get policy amount also. Therefore, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side)appearing for the respondent police opposed this petition on the ground that investigation is not completed.

5.It is seen that the petitioner's fire works is a licensed company. It is the case of the petitioner that even though several precautionary and safety measures were taken, the fire accident happened and he is not personally responsible for the same.

6.Taking note of the fact that there is no criminal intention involved in this case and the fact that the victim's family already got Rs.5,50,000/- and also the fact that there is an insurance coverage, this Court is of the considered view that the petitioner may be granted anticipatory bail subject to his depositing Rs.1,00,000/-, without prejudice to his defence, to the credit of crime No.81 of 2021, to be disbursed to the victim under the provisions of victim's compensation.

7.In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of crime No.81 of 2021 before the learned Judicial Magistrate Court No.I, Sivakasi, Virudhunagar District.

8.On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on his 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.I, Sivakasi, Virudhunagar District, 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 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 respondent police daily at 10.30 am., until further orders.



[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 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]**.

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

sd/-

05/07/2021

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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, SIVAKASI,
VIRUDHUNAGAR DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGR AT SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
MARANERI POLICE STATION, VIRUDHUNAGAR DISTRICT

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

+1. CC to Mr.M.KANNAN, Advocate SR.No.4374

ORDER

IN

CRL OP(MD) No.6256 of 2021

Date :05/07/2021

gns

PK/JC/SAR-V/08.07.2021 : 3P/6C