



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15077 of 2021

Balakrishnan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.150 of 2021

... Respondent/Complainant

For Petitioner : Mr.T.A.EBENEZER,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.150 of 2021 on the file of the Respondent Police.

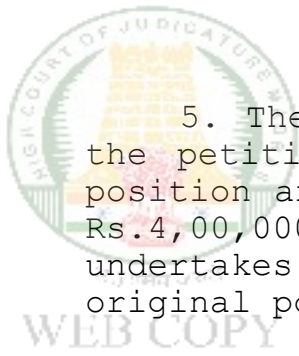
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 21.09.2021, for the offence punishable under Sections 286 IPC and Sections 9(B), (1), (b) of Indian Explosive Act and Section 4 of TNPP(D&L) Act, seeks bail.

2. It is an unfortunate case, where, the petitioner was taking crackers in a Maruthi Swift Car, but, suddenly, the crackers burst out, due to which, 37 houses and a school attached to a church were damaged.

3. According to the learned Additional Public Prosecutor, around 37 houses and a church were damaged to the tune of Rs.30,00,000/-.

4. The learned counsel for the petitioner submits that in order to supply the crackers for the festivals, the petitioner took crackers in his Car, which was parked in front of his home, but, the crackers burst out, due to which, some houses and a school building were damaged.



5. The learned counsel for the petitioner further submits that the petitioner is willing to renovate the houses to its original position and in order to show his bona fide, he also spent a sum of Rs.4,00,000/- and renovated three houses. The petitioner also undertakes that he will renovate the remaining houses to its original position.

6. Considering the submissions made by the learned counsel for the petitioner and also the fact that it is an accident, this Court has granted interim bail to the petitioner till 27.10.2021 and posted the case today (i.e) on 28.10.2021.

7. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the petitioner has renovated the houses, as undertaken by him.

8. Considering the facts and circumstances of the case, the fact that the petitioner has renovated the houses to its original position and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

9. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sathankulam, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

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

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

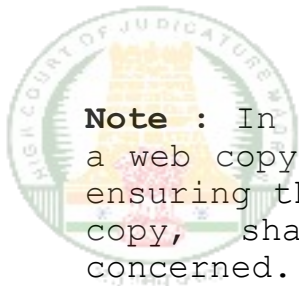
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
28/10/2021

/ TRUE COPY /

/ /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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE
SATHANKULAM
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, PEROORANI,
THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15077 of 2021

Date :28/10/2021

SA/JM/SAR.3/28.10.2021/3P/6C