



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15893 of 2021

Kala ... Petitioner/Accused No.2

Vs

The state represented by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
Crime No.150/2021.. ... Respondent/Complainant

For Petitioner : M/s.Ebenezer.T.A.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

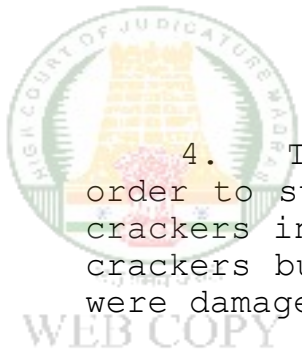
For Anticipatory Bail in Crime No.150 of 2021 on the file of
the Respondent Police.

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 of IPC, 9(B), (1), (b) of Indian Explosive Act and Section 4 of
TNPP(D&L) Act, in Crime No.150 of 2021, seeks anticipatory 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 petitioner has renovated the houses to its original position and also of the fact that the co-accused was arrested and thereafter released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

9. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on anticipatory 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 learned Judicial Magistrate, Sathankulam, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police as and when required.

[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.

TO

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

ORDER

IN

CRL OP(MD) No.15893 of 2021

Date :28/10/2021

SS/PN/SAR-III/24.11.2021 : 3P/5C