



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2021

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.18285 of 2021

T.Marimuthu

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.473 of 2021)

... Respondent/Complainant

For Petitioner : M/s.R.Jenifar Bibin,
Advocate.

For Respondent : Mr.Ss.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.473 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3 who apprehends arrest at the hands of the respondent police for the offence punishable under sections 286, 337 of IPC and Section 9(B)(1)(a) of the Indian Explosives Act, 1884, altered into Sections 286, 337, 304(ii) of IPC r/w Section 9 (B)(1)(a) of the Indian Explosives Act, 1884, in Crime No.473 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 15.11.2021, at about 03.00 p.m, the Village Administrative Officer, Aanaiyur Village Panchayat, received an information from one Thangapandi that explosion happened in a residential house at Sundaram Nagar, Sivakasi. He immediately went to the place of occurrence with the other officials and admitted 2 injured persons in the hospital and 2 injured persons succumbed to the severe injuries, who were engaged by the accused Nos.1 & 2 for the purpose of manufacturing fire crackers in their residential house. Hence, this complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A4 released on bail by this Court in Crl.OP(MD)No.19519 of 2021 dated 09.12.2021. Hence, he seeks anticipatory bail to the petitioner.

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4.A reading of the FIR shows that on 15.11.2021, at about 03.00 p.m, a message was received from one Thangapandi stating that there was a fire explosion in a residential house. The officials visited the place of occurrence and found that the house belongs to one Ramanathan. Two injured persons were shifted to the hospital and two persons succumbed to the burn injuries. Further enquiry revealed that the petitioner is running a Fireworks Company namely, 'Selvam Fireworks' and one Ramanathan (A1), has taken the above said Fireworks on lease for a period of three months. After 3 months, the balance explosives have been handed over by Maniraj(A4) with the above said Ramanathan for the purpose of manufacturing the fire crackers. But, however, it is seen that the petitioner is the owner of the above said Selvam Fireworks and one Maniraj is one of the partner of the above said Fireworks.

5.The learned Government Advocate (Crl.Side) would submit that only these two partners have supplied the explosive substance for the purpose of manufacturing fire crackers in the residential house of Ramanathan. He would submit that two persons succumbed to the injuries. Now, the recovered things were sent to the Forensic Lab for the purpose of further examination and one of the co-accused granted anticipatory bail by this Court in Crl.OP(MD)No.19519 of 2021 dated 09.12.2021.

6.The learned counsel for the petitioner would submit that his Fireworks Factory is located 2 or 3 kilometres away from the place of occurrence and he has not supplied any explosive substance either for manufacturing or for producing fire crackers. It is a matter for investigation.

7.It is seen that it is a routine affair in the above said area. If the petitioner is released on anticipatory bail, he may tamper the further investigation.

8.Considering the seriousness of allegation, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is dismissed.

sd/-
20/12/2021

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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 INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/S.R.JENIFAR BIBIN, Advocate (SR-9570[I] dated 21/12/2021)

ORDER
IN
CRL OP(MD) No.18285 of 2021
Date :20/12/2021

DSS
MK/PN/SAR.I/29.12.2021/3P/4C