



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.8014 of 2022

1.Shabiyulla
2.Jahir @ Ismayil

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Kallakuruchi Police Station,
Kallakuruchi District.
(Crime No.149 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.149 of 2022 on the file of the respondent police.

For Petitioners : Mr.C.Saravanabhavan

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioners, who were arrested on 14.03.2022 for the alleged offences under Sections 304 (ii) of IPC read with 3 of Explosive Substances Act in Crime No.149 of 2022, on the file of the respondent police, seek bail.

2. Based on the complaint given by one Padmini that her husband died in explosion, while he was working in the crackers godown of this petitioner. These two petitioners were arrested on 14.03.2022 for the death of Elumalai due to their negligence and for possessing the explosive substance without proper license.

3.Learned counsel for the petitioners would submit that the petitioners' father had a valid explosive license for manufacturing crackers. Recently, he died and these petitioners were carrying on



their family trade of manufacturing crackers and unfortunately, the fire accident was occurred causing the death of Elumalai, who is a labourer under them.

4. Taking note of the fact that these petitioners were arrested on 14.03.2022 and the substantial portion of the investigation is completed, the petitioners are granted bail. Hence, the petitioners are ordered to be released on bail subject to the following conditions;

(a) Each of the petitioners shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Kallakuruchi;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioners are directed to report before the Investigating Officer daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
06/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
NO.I, KALLAKURUCHI.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, KALLAKURICHI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to G.SARAVANABHAVAN Advocate on payment of necessary
charges SR.NO.5219

CRL OP.8014/2022

Date :06/04/2022

JPA 07/04/2022