



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.519 of 2022

1. Arumugam @ Arumugasamy
2. Nagendran
3. Parameshwaran

... Petitioners/Accused 3 to 5

Vs

The State rep.by
The Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
(Crime No. 3 of 2022).

... Respondent/Complainant

For Petitioners : Mr.PRABU.M.,
Advocate.

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

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

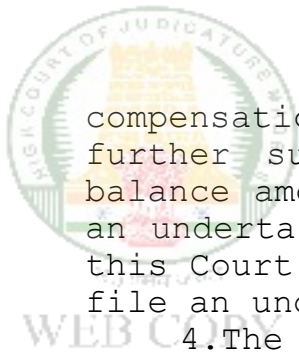
PRAYER :- For Anticipatory Bail in Crime No. 3 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 286, 338, 304(2) of IPC and Section 9(B)(1)(a) of the Indian Explosives Act, 1884, in Crime No.3 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the Village Administrative Officer of Panayadipatti Village, who gave a complaint before the respondent police stating that due to non-providing of safety measures, fire accident had taken place at Sri Solai Fireworks situated at Vallampatti Village on 05.01.2022 at about 07.20 a.m., in which, five persons have succumbed and one person sustained injuries. Hence, the complaint.

3.When the bail application of the first accused was pending before this Court, the learned counsel appearing for the first accused submitted that out of five deceased, one was her own son and with respect to the four others, they have already paid Rs.5,50,000/- each to the legal heirs of the two deceased persons as



compensation and also paid a sum of Rs.3,00,000/- to the injured. He further submitted that the first accused undertakes to pay the balance amount within a period of two months and she will also file an undertaking affidavit before the learned Judicial Magistrate and this Court has granted bail to the first accused by directing her to file an undertaking affidavit before the jurisdictional Magistrate.

4.The learned counsel for the petitioners would submit that the A1 is the owner of the said Fire works and the petitioners are brothers of A1. He would also submit that they have already paid Rs.1,50,000/- to the legal heirs of the deceased Muniyasamy and Kasiappan and now during the pendency of the above application, they have paid Rs.4,00,000/- on 16.03.2022 to the legal heirs of the said Muniasamy and Kasiappan and produced the documents executed by the wives of the said Muniyasamy and Kasiappan.

5.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that due to negligent handling of Explosives and Violation of Rules, fire broke out in the first accused factory, in which, five persons reported dead. He would further submit that the petitioners 1 and 2 were deleted from the final report and only the third petitioner has been charge sheeted.

6.In view of the submission made by the learned Government Advocate (Criminal Side), this petition is dismissed in respect of the petitioners 1 and 2 concerned.

7.Considering nature of the charges levelled against the third petitioner and also the facts that the first accused was already granted bail by this Court and taking note of the payments made to the legal heirs of the deceased and also the injured and that the third petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the third petitioner with certain conditions.

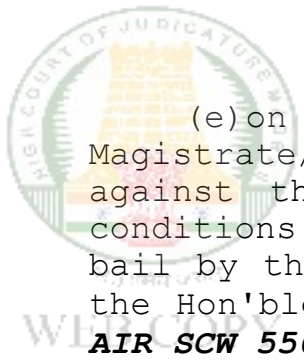
8.Accordingly, the third petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathur, Virudhunagar, on condition that the third petitioner shall 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a)the third 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 third petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the third petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the third petitioner shall not abscond either during



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the third petitioner in accordance with law as if the conditions have been imposed and the third 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

17/03/2022

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/ /2022

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
SATHUR, VIRUDHUNAGAR DISTRICT
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. PRABU.M. Advocate SR.No.2209

ORDER

IN

CRL OP(MD) No.519 of 2022

Date : 17/03/2022

SA/SBN/SAR.1/24.03.2022/3P/6C