



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 16/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1937 of 2022

Vazhividu Murugan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Crime No.1 of 2022.

... Respondent/Complainant

For Petitioner : M/s.S.M.Anantha Murugan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.1 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who is arrested and remanded to judicial custody on 13.01.2022 for the offences punishable under Sections 286, 337 and 304(ii) of IPC, Section 9(B)(1)(a) of the Indian Explosives Act, 1884 and Sections 4(b) and 5 of Explosive Substance Act, 1908 in Crime No.1 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is the Village Administrative Officer of Kalathur Village, who gave a complaint before the respondent police stating that due to non-providing of safety measures, fire accident had taken place at RKVM Fire works on 01.01.2022 at about 09.00 a.m., in which, five persons have succumbed and eight persons sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the said fire works. He would further submit that the petitioner has already paid Rs.5,50,000/- to the legal heirs of the deceased as compensation. He would further submit



that the petitioner is ready and willing to give an undertaking affidavit to meet out the medical expenses of the injured and he will also file an undertaking affidavit before the learned Judicial Magistrate to that effect.

5.The learned Additional Public Prosecutor for the respondent would submit that due to negligent handling of Explosives and Violation of Rules, fire broke out in the petitioner's factory, in which, five persons reported dead. He would further submit that the investigation is pending.

6.Considering the nature of charges levelled against the petitioner and also facts that the petitioner has already paid Rs.5,50,000/- to the families of the deceased, that the petitioner is not having any previous case for similar or serious offence and the period of incarceration and that the petitioner's readiness to file an undertaking affidavit that he will meet out the medical expenses of the injured, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on their 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 No.I, Srivilliputhur, Virudhunagar District.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

(b)the petitioner shall file an undertaking affidavit that he will meet out the medical expenses of the injured, before the concerned Judicial Magistrate. On filing of such undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

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

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

(f)the petitioner shall not abscond either during investigation or trial;

(g)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



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;

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

WEB COPY

sd/-
16/02/2022

/ TRUE COPY /

/ /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 NO.I,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.

4 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to Mr.S.M.ANANTHA MURUGAN, Advocate (SR-1153 [I] dated 16/02/2022)

ORDER IN
CRL OP(MD) No.1937 of 2022
Date :16/02/2022

SJI
MS/JM/SAR-2/17.02.2022/3P.7C