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Crl.O.P.(MD)No.2523 of 2022

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).Nos.2523 and 2566 of 2022

Parameswari

... Petitioner/Accused No.2
in Crl.O.P.(MD)No.2523 of 2022

Palanivel

... Petitioner/Accused No.3
in Crl.O.P.(MD)No.2566 of 2022

Vs

The State rep.by
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Cr.No. 1 of 2022.

... Respondent/Complainant
in Both petitions

IN BOTH PETITIONS:

For Petitioner : M/s.ANANTHA MURUGAN.S.M.,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

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

COMMON ORDER : The Court made the following order :-

The petitioners/A2 and A3 who apprehend arrest at the hands of the respondent police 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, seek anticipatory 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

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which, five persons have succumbed and eight persons sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the A1 is the owner of the said fire works, the second petitioner is the wife of A1 and third petitioner is the foreman of the said manufacturing unit. He would further submit that the A1 has already paid Rs.5,50,000/- to the legal heirs of the deceased as compensation. He would further submit that the petitioners are ready and willing to give an undertaking affidavit to meet out the medical expenses of the injured and they will also file an undertaking affidavit before the learned Judicial Magistrate to that effect.

4.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 A1's factory, in which, five persons were reported dead. He would further submit that the investigation is pending.

5.Considering the nature of charges levelled against the petitioners and also facts that A1 has already paid Rs.5,50,000/- to the families of the deceased, that the petitioners are not having any previous case for similar or serious offence and the period of incarceration and that the petitioners' readiness to file an undertaking affidavit that they will meet out the medical expenses of the injured, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Srivilliputhur, Virudhunagar District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall file an undertaking affidavit that they 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 petitioners 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.

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



(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned 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]***; and;

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

sd/-

16/02/2022

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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 NO.I, SRIVILLIPUTHUR.

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

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

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

+1. CC to M/S.ANANTHA MURUGAN.S.M. Advocate SR.No.1155 (Crl.OP
(MD).2523/2022)

+1. CC to M/S.ANANTHA MURUGAN.S.M. Advocate SR.No.1154 (Crl.OP
(MD).2566/2022)

ORDER IN

CRL OP (MD) .Nos.2523 and 2566
of 2022

Date :16/02/2022

SA/VR/SAR.4/22.02.2022/3P/7C

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