



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 17/02/2022  
PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.3319 of 2022

Poomari

... Petitioner/Accused No.1

**Vs**

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

... Respondent/Complainant

For Petitioner : Mr.R.ANAND, Advocate.  
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,  
Additional Public Prosecutor

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

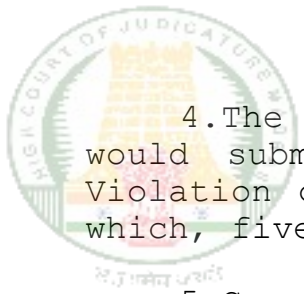
**PRAYER :-** For Bail in Crime No.3 of 2022 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 07.01.2022 for the offences punishable under Sections 286, 338 and 304(2) IPC and Section 9(B)(1)(a) of the Indian Explosives Act, 1884, in Crime No.3 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 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.The learned counsel for the petitioner would submit that the petitioner is the owner of the said fire works. He would further submit that out of five deceased, one was the son of the petitioner and with respect to the four others, the petitioner has 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 would further submit that the petitioner 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 in this regard.



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 petitioner's factory, in which, five persons reported dead.

5.Considering the nature of charges levelled against the petitioner and also facts that the petitioner has already paid a sum of Rs.5,50,000/- each to the legal heirs of the two deceased persons and sum of Rs.3,00,000/- to the injured, that the petitioner is not having any previous cases for similar or serious offence and the period of incarceration and that the petitioner's readiness to file an undertaking affidavit that she will pay the balance amount within a period of two months, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on her 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, Sattur, Virudhunagar.

(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 affidavit as agreed by her that she will pay the balance amount within a period of two months, before the learned Judicial Magistrate at the time of furnishing sureties.

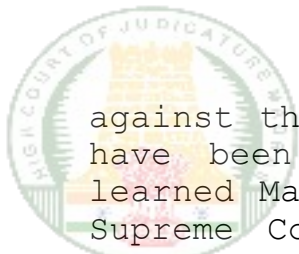
(c)the petitioner shall produce two Demand Drafts (DD) for a sum of Rs.1,00,000/- (Rupees One Lakh only) each before the judicial Magistrate and the prosecution is directed to take the legal heirs of the deceased to the Court and the learned Magistrate is directed to hand over the Demand Draft (DD) to the legal heirs of the deceased, without prejudice their right to claim more compensation before the appropriate forum.

(d)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/Judicial Court is entitled to take appropriate action



against the petitioner in accordance with law as if the conditions have been imposed and the 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;

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

sd/-

17/02/2022

/ TRUE COPY /

17/02/2022

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, SATTUR, VIRUDHUNAGAR.

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

3 THE SUPERINTENDENT  
SPECIAL PRISON FOR WOMEN, CENTRAL PRISON,  
MADURAI.

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

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

+1. CC to M/S.ANAND.R Advocate SR.No.1230

**ORDER**

**IN**

CRL OP(MD) No.3319 of 2022

Date :17/02/2022

SA/VR/SAR.3/17.02.2022/3P/7C