



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3763 of 2022

P.Kaliraj

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Cr.No.34/2022).

... Respondent/Complainant

For Petitioner : Mr.S.CHELLA PANDIAN, Senior Advocate
for M/s.SHANMUGARAJA SETHUPATHI.D, Advocate.
For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

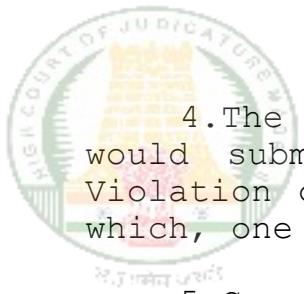
PRAYER :- For Bail in Crime No.34 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 08.02.2022 for the offences punishable under Sections 286, 337, 338 IPC and Section 9(B)(1)(a) of the Indian Explosive Act, 1884 @ 286, 337, 338 and 304(ii) of IPC and Section 9(B)(1)(a) of Indian Explosive Act 1884 in Crime No.34 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 M/s.Leo Fire Works situated at Enjar Boovanathapuram Road, Naduvapatti Village Panchayat on 08.02.2022 at about 13.00 hours, in which, one person has succumbed to the injuries 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 the petitioner has already paid a sum of Rs.5,50,000/- to the legal heirs of the deceased person as compensation and also paid a sum of Rs.1,00,000/- to the injured. The said submission is recorded.



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, one person 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/- to the legal heirs of the deceased person and another sum of Rs.1,00,000/- to the injured as compensation, that the petitioner is not having any previous cases for similar or serious offence and that the petitioner is in judicial custody from 08.02.2022, 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.II, Sivakasi, 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 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.

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

(d)the petitioner shall not abscond either during investigation or trial.

(e)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 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;

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

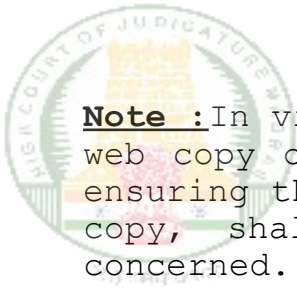
sd/-

04/03/2022

/ TRUE COPY /

04/03/2022

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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI, VIRUDHUNAGAR DISTRICT.
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE
SUB-JAIL, MELUR,
MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SHANMUGARAJA SETHUPATHI.D Advocate SR.No.1703

ORDER

IN

CRL OP(MD) No.3763 of 2022

Date :04/03/2022

SA/PN/SAR.4/04.03.2022/3P/7C