



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated:10/03/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

WEB COPY

Crl.OP (MD) Nos. 4092 and 4094 of 2022

Ramanathan ... Petitioner/Accused No.1
IN CRL.OP (MD).4092/2022

Panchavarnam ... Petitioner/Accused No.2
IN CRL.OP (MD).4094/2022

Vs.

State rep. By
The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.
(Crime No.473 of 2021)

... Respondent/Complainant
IN BOTH PETITIONS

IN BOTH PETITIONS:

For Petitioners : Mr.C.JEYAPRAKASH, Advocate

For Respondent : Mr.B.NAMBISELVAN
Additional Public Prosecutor

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.473 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 286, 377 IPC and section 9(B), (1)(a) of the Indian Explosives Act, 1884 @ 286, 337, 304(ii) IPC r/w Section 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.473 of 2021 on the file of the respondent police, seek anticipatory bail.

2.According to the prosecution, on 15/11/2021 at about 3.00 pm, when the de-facto complainant, who is the Village Administrative Officer of Aanaiyur Village Panchayat received an information that a fire accident happened in a residential house of the petitioners. When he went to the occurrence place, found that two persons sustained injuries in the fire accident and they were admitted in the Government Hospital, Sivakasi. Subsequently, he came to know that two female persons namely Kartheeswari and Hemitha died in the occurrence place in the fire accident.



3.Heard both sides.

4.The earlier anticipatory bail applications came to be dismissed by this court, on 04/02/2022 after considering the submission of the petitioners. It has been observed by this court that the place of occurrence known for preparing or manufacturing fire crackers without proper licence. More incident of like nature are happening frequently. It is further observed that this court cannot take lenient view of such incident and a stringent action is required to curtail such sort of illegal activities, which endanger the life of innocent people.

5.It has been submitted by the learned counsel appearing for the petitioners that the petitioners were engaged in the house only for preparing or manufacturing the fire cracker tubes. Only because of the the explosion, which caused due to the blast of the cylinder, the accident took place. But that contention was rejected by this court, on going through the entire CD file. Now these second applications have been filed exactly on the very same line.

6.The only ground, which was urged by the learned counsel appearing for the petitioners at the time of argument is that compensation was given to the deceased person, so the anticipatory bail can be considered by this court. It is further submitted that since the offence is punishable below seven years, as per the judgement of the Hon'ble Supreme Court the case of Arnesh Kumar Vs. State of Bihar and another (2014)3 SCC (Crl) 449, arrest is not required in such matters.

7.I am unable to agree with the above said line of argument. The occurrence requires proper investigation by subjecting the petitioners to custodial interrogation. From where the raw materials have been purchased and how many times such sort of illegal activities were undertaken by the petitioners are the mater for thorough investigation.

8.As mentioned above, no lenient view can be taken even though one of the accused is released on bail. There is a specific allegation that two persons engaged the labourers for the purpose of manufacturing the fire crackers without proper licence. So absolutely, I find no change of circumstances and the petitions are liable to be dismissed.

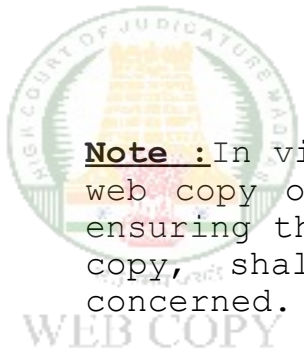
9.In the result, these criminal original petitions are **dismissed**.

sd/-
10/03/2022

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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 INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
SIVAKASI,VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

Crl.OP(MD)Nos.4092 and
4094 of 2022

Date :10/03/2022

SA/PN/SAR.2/17.03.2022/3P/3C