



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Reserved on : 25.03.2022
Delivered on : 01.04.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.4879 of 2022

1. R.Manivel
2. M.Raviselvam

... Petitioners/Accused 1 & 2

Vs

State through
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.70 of 2022)

... Respondent/Complainant

For Petitioners: Mr.E.Marees Kumar,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.70 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 286 and 337 IPC r/w Section 9(B)(1)(a) of the Indian Explosives Act altered into Sections 286 and 304(A) IPC r/w Section 9(B)(1)(a) of the Indian Explosives Act, in Crime No.70 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 East Thiruthangal Village, who gave a complaint before the respondent police stating that due to non-providing of safety measures, fire accident had taken place at Royal Match Industries Company situated at Lingapuram Colony on 01.03.2022, in which, one person has succumbed. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is the owner and the second petitioner is the Foreman, who is the son of the first petitioner, of the said factory. He would further submit that the petitioners have already paid a sum of Rs.5,50,000/- jointly to the legal heirs of the deceased person as compensation and funeral expenses.



4.The learned Government Advocate (Criminal Side) for the respondent would submit that due to negligent handling of Explosives and Violation of Rules, fire broke out in the first petitioner's factory, in which, one person was reported dead.

5.Considering the nature of charges levelled against the petitioners and also the facts that the petitioners have already paid a sum of Rs.5,50,000/-to the legal heirs of the deceased person and that the petitioners are not having any previous cases for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on 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.II, Sivakasi, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/04/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CSM

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.II,
SIVAKASI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. MAREES KUMAR.E. Advocate SR.No.2889

ORDER
IN
CRL OP(MD) No.4879 of 2022
Date :01/04/2022

SS/PN/SAR:II/06.04.2022 : 3P/6C