



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/03/2022

PRESENT

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

CRL OP(MD). No.5122 of 2022

White ... Petitioner/ Accused No.2
Vs

The State through
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No.77 of 2022) ... Respondent/ Complainant

For Petitioner : Mr.D.Sivaraman, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

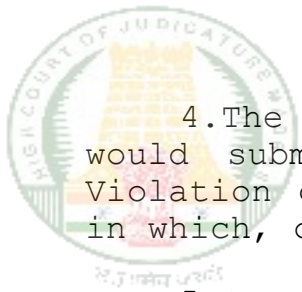
PRAYER :- For Bail in Crime No.77 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 26.02.2022 for the offences punishable under Sections 286 and 338 IPC r/w Section 9(B)(1)(a) of Indian Explosives Act, 1884, altered into Section 304(2) IPC and Section 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.77 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 Thayilpatti Village, who gave a complaint before the respondent police stating that due to non-providing of safety measures, fire accident had taken place at RSR (Serpentine Eggs) Fire Works situated at Thayilpatti Village on 26.02.2022 at about 10.10 a.m., in which, one person has succumbed. Hence, the complaint.

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



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 first accused's factory, in which, one person reported dead.

5.Considering the nature of charges levelled against the petitioner and also the facts that the first accused has already paid a sum of Rs.5,50,000/-to the legal heirs of the deceased person and that the petitioner is not having any previous cases for similar or serious offence and the period of incarceration, 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 his 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, Sattur.

(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., until further orders.

(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/-
25/03/2022

/ TRUE COPY /

25/03/2022
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,
SATTUR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
- 3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE,
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-2515[I] dated 25/03/2022)

ORDER

IN

CRL OP(MD) No.5122 of 2022

Date :25/03/2022

CSM

MS/VR/SAR-4/25.03.2022/3P.7C