



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

Date : 18/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5779 of 2022

WEB COPY

M.Jeyakumar

... Petitioner/Accused NO.1

Vs.

State Rep.by
The Inspector of Police,
Bazaar Police Station,
Virudhunagar.
Cr.No.29/2022.

... Respondent/Complainant

For Petitioner : M/s.Anantha Murugan S.M.,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.29 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 286, 304 (ii) IPC and Section 9-B (1) (a) of Indian Explosives Act, 1884, in Crime No. 29 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 09.03.2022, when the de-facto complainant's wife was cleaning aluminum powder in the petitioner's company, namely, Aluminium Industries, Virudhunagar, a fire accident had taken place and the de-facto complainant's wife sustained burn injury and as a result, she died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the owner of the said company. 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 he has also produced the copy of the demand draft before this Court.

4.The learned Government Advocate (Criminal Side) appearing for the State 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 as compensation, that the petitioner is not having any previous cases for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Virudhunagar, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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 am for a period of 30 days and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/04/2022

/ TRUE COPY /

/ /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



TO

1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR

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

3 THE INSPECTOR OF POLICE
BAZAAR POLICE STATION,
VIRUDHUNAGAR.

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

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-3439[I] dated
18/04/2022)

ORDER

IN

CRL OP(MD) No.5779 of 2022

Date :18/04/2022

RS/VR/SAR.4 (22.04.2022) 3P-6C