



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6523 of 2022

Antony ... Petitioner/Accused No.2

Vs

The State Rep. By,
The Sub 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.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

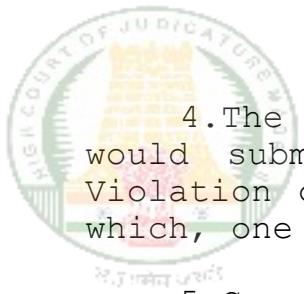
For Bail in Crime No.29 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 24.03.2022 for the offences punishable under Sections 286 and 338 IPC and Section 9(B)(1)(a) of the Indian Explosive Act, 1884 @ 286 and (*) 304(ii) IPC and Section 9-B(1)(a) of Indian Explosive Act 1884 in Crime No.29 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.03.2022, 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 manager of the said company. He would further submit that the owner 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 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 owner 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 and that the petitioner is in judicial custody from 24.03.2022, 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 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.I, Virudhunagar.

(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/-
12/04/2022

**(*) AMENDED AS PER ORDER OF THIS
COURT DATED 12.04.2022 IN CRL MP(MD)
NO.4753/2022 IN CRL OP(MD)
NO.6523/2022 BY KMSJ.**

/ TRUE COPY /

12/04/2022
Sub-Assistant Registrar (C.S-IV)
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 JUDICIAL MAGISTRATE NO.I,
VIRUDHUNAGAR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER-INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
4. THE SUB INSPECTOR OF POLICE,
BAZAAR POLICE STATION,
VIRUDHUNAGAR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. ANANTHA MURUGAN.S.M. Advocate SR.No.3260 (I),
DATED : 12.04.2022.

ORDER
IN
CRL OP(MD) No.6523 of 2022
Date :12/04/2022

sjj
USK/VR/SAR-IV/12.04.2022/3P/7C