



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/04/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6848 of 2022

Venkatesh

... Petitioner/Accused No.2

Vs

State Rep.by
The Sub-Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
(Crime No.108 of 2022)

... Respondent/Complainant

For Petitioner : M/s.S.Mahalakshmi,
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.108 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 20.03.2022 for the offences punishable under Sections 286 and 337 IPC and Section 9(B)(1)(a) of Indian Explosives Act, 1884, altered into Sections 286, 337 and 304(2) IPC r/w Section 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.108 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 Kanajampatti Village, who gave a complaint before the respondent police stating that due to non-providing of safety measures, fire accident had taken place at back side of Balaji Transport Agency Godown situated at Kanajampatti Village on 19.03.2022 at about 07.00 p.m., in which, one person has succumbed. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is the owner of the said godown.

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 godown, in which, one person reported dead.

5.When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that the accused have not paid any compensation towards the legal heirs of the deceased, as per the practise prevailing in the said district.

6.At this juncture, the learned counsel for the petitioner would submit that since the legal heirs of the deceased could not find out, they are willing to deposit a sum of Rs.5,00,000/- before the concerned Court.

7.Considering the nature of charges levelled against the petitioner and also the facts that the petitioner is ready to deposit a sum of Rs.5,00,000/- before the concerned Court 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:

8.Accordingly, the petitioner shall pay a sum of **Rs.5,00,000/- (Rupees Five Lakhs only)** to the credit of Crime No.108 of 2022 before the learned Judicial Magistrate No.II, Sattur, without prejudice to his rights and contentions.

9.On production of such receipt/acknowledgment, 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., for a period of thirty (30) days 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/04/2022

/ TRUE COPY /

19/04/2022

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 JUDICIAL MAGISTRATE NO.II,
SATTUR.

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

3 THE INSPECTOR OF POLICE
VEMBAKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

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

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-3474[I] dated 19/04/2022)

ORDER IN

CRL OP(MD) No.6848 of 2022

Date :19/04/2022

RS/VR/SAR.3 (19.04.2022) 3P-7C