



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

Dated: 26/07/2022

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.9900 of 2022

WEB COPY

1.P.Arunkumar
2.R.Ramakrishnan

... Petitioner/Accused No.1&2

Vs.

State Rep.by
The Sub Inspector of Police,
Sattur Town Police Station,
Virudunagar District.
(Crime No.200 of 2022)

... Respondent/Complainant

For Petitioners : Mr.N.Dilip Kumar, Advocate
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

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

PRAYER:-

For Anticipatory Bail in Crime No.200 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 286, 337 IPC and section 9(B)(1)(a) of the Indian Explosives Act, in Crime No.200 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, who received information, on 23/05/2022 at about 04.00 pm that there was explosion in the Mettamalai Vishal Fireworks Factory. So he immediately visited that place and found that while preparing crackers, fire accident took place, in which one Pandi was severely injured and he was taken to the hospital. On enquiry, it was found that the above said accident took place, because of the negligence on the part of the accused persons. Based upon the complaint, the case was registered.

3.Seeking anticipatory bail, these petitioners, who are the owner of the fireworks factory and licensee, filed this petition on the ground that they got valid licence and Rules and Regulations were followed and this occurrence took place, because of unforeseen circumstances. According to them, it is a mere accident.



4.At the time of hearing, it was submitted by the counsel appearing for the petitioners that the injured has been discharged from the hospital and now, he is regularly attending the duty. The compensation amount of Rs.4,00,000/- was paid by the petitioners and the entire medical expenses were also born by them. So for that purpose, the petitioners were directed to produce the relevant records. Now they have produced the records in the form of typed set of papers showing the payment receipt as well as the medical treatment charges, that was born by the petitioners.

5.It is also seen that the licence has been issued to the concerned fire crackers Unit and it has been periodically extended. It is even the case of the prosecution that no licence has been obtained by the first petitioner for running the fire crackers manufacturing unit. So it is nothing, but industrial accident. Whether the accident occurred, because of the negligence on the part of the petitioners is a matter for investigation. When the unit was started and whether it has been procured licence or not, is a matter, by collecting relevant materials and recording statements, for which, the custodial interrogation of the petitioners may not be required. Only on that ground, when the petition was moved, interim protection was granted to the petitioners.

6.In view of the above facts and circumstances of this case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Sattur and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.00 am. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

26/07/2022

/ TRUE COPY /

/08/2022

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, 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 SRIVILLIPUTTUR.
 - 3 THE SUB INSPECTOR OF POLICE, SATTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.N.DILIP KUMAR, Advocate (SR-7772[I] dated 27/07/2022)

ORDER

IN

CRL OP(MD) No.9900 of 2022

Date :26/07/2022

RS/PN/SAR.3 (01.08.2022) 3P-6C