



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

Date : 13.06.2022

PRESENT

The Hon`ble MR.Justice K.MURALI SHANKAR

CRL OP(MD). No.10130 of 2022

CHIDAMBARAM

... PETITIONER/ACCUSED NO.3

VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.16 OF 2022)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.H.LAKSHMI SHANKAR,
ADVOCATE.

FOR RESPONDENT : MR.P.KOTTAI CHAMY,
GOVERNMENT ADVOCATE (CRL. SIDE).

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

PRAYER :-

For Bail in Crime No.16 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 04.05.2022 for the offences punishable under Sections 286 and 304(2) IPC r/w Section 9(B)(1)(a) of Indian Explosives Act, in Crime No.16 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 Kathalampatti Village, who gave a complaint before the respondent police stating that due to non-providing of safety measures, fire accident had taken place at SPT Fire Works Industry on 04.05.2022, in which, one person has succumbed. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner and the other accused 1, 2 and 4 are the owners of the said factory and that the accused 1, 2 and 4 were already granted anticipatory bail by this Court in CrI.O.P.(MD)No.9696 of 2022 vide order dated 01.06.2022. He would further submit that the first accused has already paid a sum of Rs.5,50,000/- to the parents of the deceased person as compensation.

4.The learned Government Advocate (Criminal Side) for the respondent would submit that due to negligent handling of Explosives and Violation of Rules, fire broke out in the accused factory, in which, one person was 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 parents 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, Sathur.

(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/-
13/06/2022

WEB COPY

/ TRUE COPY /

13/06/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
SATHUR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR
3. THE OFFICER INCHARGE,
DISTRICT JAIL,
VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE,
AMMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to Mr.H.LAKSHMI SANKAR, Advocate, SR.No.5421 DATED:13.06.2022

ORDER
IN

CRL OP(MD). No.10130 of 2022
Date : 13.06.2022

GC/VR/SAR-1(13.06.2022) 3P 7C

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