



WEB COPY

No. 1/3



et.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . Nos.14750 and 14192 of 2022

K.Muthulakshmi ... Petitioner/Accused Rank not known
in Crl.O.P(MD) No.14750 of 2022

Bavani @ R.Bavani Veni ... Petitioner/Accused 2
in Crl.O.P(MD) No.14192 of 2022

Vs

The State rep.by,
The Inspector of Police,
Aalangulam Police Station,
Virudhunagar District
(Crime No. 82 of 2022).

... Respondent/Complainant
in both petitions

(In Crl.O.P(MD) No.14750 of 2022)

For Petitioner : M/s.Chandrasekar.G,
Advocate.

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

(In Crl.O.P(MD) No.14192 of 2022)

For Petitioner : M/s.S.Mahalakshmi
Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.82 of 2022 on the file of the
Respondent police.



COMMON ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 286, 338, 304(2) of IPC and Section 9(B)(1)(a) of the Indian Explosives Act, 1884 in Cr.No.82 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to the negligence of the accused persons in handling the crackers a fire accident took place in Muthumeena cracker factory situated at Keelanmarainadu village in survey No.602/1A and 601/2A in which one person died and some of the persons got injured hence the case came to be registered.

3.On the side of the petitioners, it is stated that the petitioners are innocent and a false case has been foisted against them. He would also submit that on humanitarian ground a sum of Rs.9.50 lakhs was paid to the victims as compensation hence they seek anticipatory bail.

4.On the side of the prosecution, it is stated that petitioners herein were manufacturing crackers without taking any precautionary measure and in lethargic manner and on the date of occurrence there was a fire accident in which two persons sustained grievous injuries and one person died. Further the petitioners have also paid a sum of Rs.9.50 lakhs to the victims as compensation. It is also stated that A 1 to A3 were arrested and released on bail and the injured was also discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that a sum of Rs.9.50 lakhs was paid to the victims as compensation and also the fact that the injured has been discharged from the hospital and the fact that A1 to A3 were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 confirm their identity;



(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/09/2022

/ TRUE COPY /

/09/2022

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

AAV

TO

1. THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILLIPUTHUR.

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

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

+1. CC to M/S.CHANDRASEKAR.G Advocate SR.No.9854

ORDER

IN

CRL OP (MD) . Nos.14750

and 14192 of 2022

Date : 08/09/2022

RK/VRS/SAR-1 (13/09/2022) 3P/6C

<https://www.mhc.tn.gov.in/judis>