



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated:04/02/2022

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PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)Nos.18312 and 18314 of 2021

R.Panchavarnam

... Petitioner/Accused No.2
In Crl.OP(MD)Nos.18312 of 2021

G.Ramanathan

... Petitioner/Accused No.1
In Crl.OP(MD)Nos.18314 of 2021

Vs.

State rep. By
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.473 of 2021)

... Respondent/Complainant
In both the Petitions

For Petitioners : Mr.S.M.Anantha Murugan, Advocate.
In both the petitions
For Respondent : Mr.SS.Madhavan
Government Advocate (Crl. Side)
In both the petitions

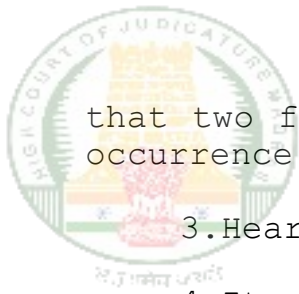
PETITION FOR ANTICIPATORY BAILS Under Sec.438 of Cr.P.C

COMMON PRAYER :-For Anticipatory Bail in Crime No.473 of 2021 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, 377 IPC and section 9(B), (1)(a) of the Indian Explosives Act, 1884 @ 286, 337, 304(ii) IPC r/w Section 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.473 of 2021 on the file of the respondent police, seek anticipatory bail.

2.According to the prosecution, on 15/11/2021 at about 3.00 pm, when the de-facto complainant, who is the Village Administrative Officer of Aanaiyr Village Panchayat received an information that a fire accident happened in a residential house of the petitioners. When he went to the occurrence place, found that two persons sustained injuries in the fire accident and they were admitted in the Government Hospital, Sivakasi. Subsequently, he came to know



that two female persons namely Kartheeswari and Hemitha died on the occurrence place in the fire accident.

3. Heard both sides.

4. It is an unfortunate fire crackers unit accident. These petitioners, according to the prosecution, were in the process of manufacturing and producing fire crackers by engaging the deceased, injured and other persons in their house without any proper license and permission. During the course of the above said manufacturing of the fire crackers, the incident took place, in which two persons died on the spot and other two persons sustained injury and taken to the hospital.

5. Now the learned counsel appearing for the petitioners would submit that actually the petitioners were not available in the place of occurrence and they engaged the persons for the purpose of producing fire crackers tube, which according to the learned counsel, does not require any licence as per the provisions of the Explosives Act. According to the learned counsel appearing for the petitioners, in the process of manufacturing the fire crackers tubes, no explosive has been used.

6. It is a case of fire accident, which took place due to blasting of LPG Cylinder, which was available in the house. To ascertain whether such a contention is true or not, the entire CD file has been called and perused. Parvai Mahazar and material objects were collected from the scene of occurrence, wherein we find that no trace of LPG cylinder has been noticed by the Investigating Officer or by the Forensic Science Department officials. So the contention on the part of the petitioners that it is a fire accident, which arose out of blast of LPG cylinder, prima facie found to be in correct on record. So on that score, the petitioners are not entitled for anticipatory bail.

7. This court can take judicial notice that the place of occurrence known for preparation of the fire crackers without proper licence. More incident of like nature are happening frequently. The court cannot take lenient view of this incident. A stringent action is required to contain such sort of illegal activities, which endanger the life of innocent people.

8. Taking strong note of the same, the manner in which the occurrence has taken place, this court is not inclined to exercise the discretionary relief of anticipatory bail in favour of the petitioners, even though compensation of Rs.5,00,000/- were paid to the child of the deceased persons. That matter cannot be taken into for granting anticipatory bail. I find no merit in this matter and it requires proper and thorough investigation, which requires custodial interrogation of the petitioners also.



9. In the result, these criminal original petitions are **dismissed.**

sd/-
04/02/2022

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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 INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18312 & 18314
of 2021
Date : 04/02/2022

ER
MK/VR/SAR.III/14.02.2022/3P/3C