



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.21823 of 2022

WEB COPY

1. R.Srinivasaga Babu
2. Suchitra

... Petitioners/Accused No.3 and 4

Vs

The State Rep. by,
The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime No.130/2022).

... Respondent/Complainant

For Petitioners : M/s. Suriyanarayanan.R,
Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

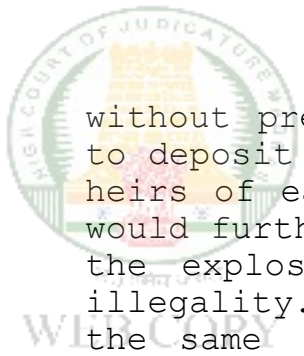
PRAYER :- For Anticipatory Bail in Crime No.130/2022 on the file of the Respondent Police,

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 286,337, and 304(2) of IPC r/w.Section 9(B) (1)(a) of Explosives Act in Crime No.130 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant is that on 02.10.2022 at about 1.00 p.,, the defacto complainant namely, one Pandiyarajan, Village Administrative Officer, heard a cracker sound from the land in S.No.221/6 situated in Nedunkulam Village, Virudhunagar District and also went to the spot and found that one Thirupathy and Nagaraj sustained burn injuries. He further found that the said accident occurred while making cracker by using prohibited explosives items. Hence the case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would further submit this is the second anticipatory bail petition and the earlier petition was dismissed by this Court on 18.11.2022 in Crl.O.P(MD) No.20450 of 2022 on the ground that the investigation is in preliminary stage. He would further submit that



without prejudice the petitioners on humanitarian ground and to deposit a sum of Rs.1,00,000/- as ex-gratia payment to the legal heirs of each of the deceased persons and thereby he seek bail. He would further submit that petitioners are licensed re-sellers of the explosive substances and that they have not committed any illegality. He would further submit that the end user has misused the same for which the petitioners cannot be held responsible, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit there are totally four accused in this case and the A1 is the land owner, A2 is the manufacturer of explosive and the petitioners A3 and A4 are the suppliers who had supplied the explosive materials. He would further submit that in the incident two persons died and major portion of the investigation is over. He would also submit that the name of A1 has been deleted from the charge sheet.

5.Heard. Perused the materials available on record including the First Information Report.

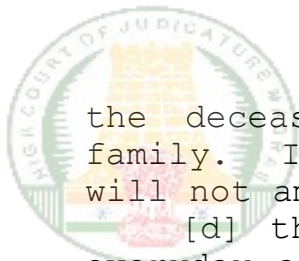
6. Taking into consideration the facts and circumstances of the case and also the voluntarily offer made by the petitioners that they are ready to jointly deposit a sum of Rs.2,00,000/-, out of which Rs.1,00,000/- to be paid to the legal heirs of each deceased who have lost their lives towards ex-gratia payment, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District** on condition that each of the petitioners shall execute a common 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 ensure their identity.

(b) At the time of executing sureties, the petitioners shall deposit a sum of Rs.2,00,000/- to the credit in Crime No.130 of 2022 before the concerned Court and thereafter only the learned Magistrate shall accept the sureties.

(c) After the amount being deposited by the petitioners the learned Magistrate can issue summons to the legal heirs of each of



the deceased and disburse the amount of Rs.1,00,000/- to the family. It is made clear the deposit of amount by the petitioners will not amount to admission of guilt.

[d] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and there after as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

22/12/2022

/ TRUE COPY /

/01/2023

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
M.PUDUPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SURIYANARAYANAN.R, Advocate (SR-15378[I] dated 22/12/2022)

ORDER

IN

CRL OP(MD) No.21823 of 2022

Date :22/12/2022

USK/VR/SAR-IV/09.01.2023/3P/6C