



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.1810 of 2023

1.Gurunathan
2.Mahendrakumar
3.Vairamuthu

...Petitioners / Accused Nos.1,2 & 4

-vs-

The State represented by
The Inspector of Police,
Elaiyirampannai Police Station,
Virudhunagar District.
(Cr.No.9 of 2023)

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.9 of 2023 on the file of the respondent Police.

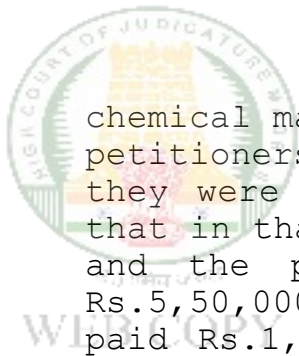
For Petitioners : Ms.S.Mahalakshmi, Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)**ORDER**

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 286, 337 and 304(ii) of IPC and Section 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.9 of 2023 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 14.01.2023, there was an explosion at A.V.M.Pyrotech Crackers Factory, Sivasangupatti, Virudhunagar District, due to which, two persons died on the spot and one person got injury. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and it is only a case of accident. She would also submit that despite due diligence being taken by the accused persons, the accident had happened on account of change of climatic conditions. She would further submit that the first petitioner and the second petitioners are the partners of the factory, in which, the first petitioner is in-charge of the business and the third petitioner is a person in-charge of handling the



chemical materials. She would also submit that the first and second petitioners had gone to Iyyappa Temple during the relevant time and they were not in the scene of occurrence. She would also submit that in that incident two persons have died and one person sustained and the petitioners 1 and 2 have already paid an amount of Rs.5,50,000/- to the legal heirs of each of the deceased and also paid Rs.1,00,000/- to the injured person. She would also submit that the petitioners are ready to cooperate with the investigation. Hence, she would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are respectively the owners and the chemical substance in-charge of the factory and due to negligence of the petitioners, the accident had happened resulting in two persons died and one got injured. However, he would fairly concede that the petitioners 1 and 2 have already paid a sum of Rs.5,50,000/- each to the legal heirs of the deceased and also paid Rs.1,00,000/- to the injured person.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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.I, Sattur, on condition that the petitioners shall execute 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 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] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

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

[d] the petitioners 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 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 Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

07/02/2023

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07/02/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SATTUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
ELAYIRAMPANNAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.1810 of 2023

Date :07/02/2023

cmr

MK/VR/SAR (07.02.2023) 3P 5C