



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.2400 of 2023

WEB COPY

Arumugam

...Petitioner / Accused No.3

-vs-

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

...Respondent / Complainant

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

PRAYER :-For Bail in Crime No.9 of 2023 on the file of the
Respondent Police.

For Petitioner	:	Ms.S.Mahalakshmi, Advocate.
For Respondent	:	Mr.T.Senthil Kumar Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.01.2023 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, seeks 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 petitioner would submit that the petitioner is an innocent and that 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 climate conditions. She would further submit that the petitioner is the Manager and he is no way connected to the present case. She would further submit that in that incident two persons have died and one person got injured and the Accused Nos.1 and 2, who are the owners of the factory, 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. He would also submit that the



petitioner is ready to cooperate with the investigation. I would seek for bail.

4.The learned Additional Public Prosecutor would submit that that the petitioner is the Manager of the factory and due to negligence of the accused, the accident had happened resulting in the death of two persons and one person sustaining injury. However, he would fairly concede that the Accused Nos.1 and 2 have already paid a sum 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.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned Counsels and that the petitioner is in judicial custody from 14.01.2023, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 learned Judicial Magistrate No.I, Sattur, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police daily at 10.30 a.m., and 05.30 p.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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** [SCW 5560]; [R

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
07/02/2023

/ TRUE COPY /

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 OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.MAHALAKSHMI.S Advocate SR.No.1922.

ORDER
IN
CRL OP(MD) No.2400 of 2023
Date :07/02/2023

cmr
MK/VR/SAR (07.02.2023) 3P 7C