



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). Nos.2304 and 2313 of 2023

WEB COPY

Mayakannan

... Petitioner/Accused No.1
in CRL OP(MD). No.2304 of 2023

Arumugathai

... Petitioner/Accused No.2
in CRL OP(MD). No.2313 of 2023

Vs

State Rep.by
The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
Crime No.20 of 2023.

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioners : Mr.S.Chellapandi, Senior Counsel
for M/s.Mayilvahana Rajendran.C, Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.20 of 2023 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 286, 337, 338, 304(2) IPC and Section 9(B)(1)(a) of Indian
Explosives Act, 1884, in Crime No.20 of 2023, on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant
D.Kamaraj, Village Administrative Officer, Thayilpatti Village is
that on 19.01.2023 he had received intimation that there was a fire
accident at Fireworks situated at Thayilpatti to Kanjampatti Road.
He immediately rushed to the place of occurrence and enquired with
the injured person. They informed that the first accused, who is the
license holder of the fireworks had negligently dealt with the
explosive substances, resulting in huge explosion, which had brought
down the working shed. The occurrence had happened due to the
negligence of Foreman. In the accident, five workers died and 23
other workers sustained injuries. Hence, the complaint.



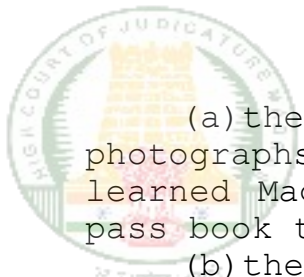
3.The learned Senior counsel for the petitioners submit at the petitioners are innocent and the petitioners respectively husband and wife, are the license holders and partners of fireworks. They have been running the business for several years, without any complaint. Due to negligence committed by the Foreman, who is arrayed as A4, the blast has occurred. He would submit that the petitioners were not present on the day of occurrence and the accident had happened without their knowledge. He would further submit that immediately coming to know about the accident, petitioners have come back to the factory. They have also given an exgratia amount of Rs.5,50,000/- to the family members of each deceased (totalling to Rs.27,50,000/-) and they have also paid an amount of Rs.25,000/- each to 23 injured employees, who have been discharged from the hospital on the same day. He would submit that the custodial interrogation of the petitioners may not be required and they are ready to abide by any stringent condition and ready to cooperate with the investigation. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that petitioners are running the Fireworks factory for several years and due to negligence in handling chemicals and explosive substances, there was an explosion, resulting in death of five persons and injuries to 23 persons. He would object for grant of anticipatory bail. However, he would submit that the petitioners have paid ex-gratia amount of Rs.5,50,000/- to each of the deceased and also paid Rs.25,000/- to each of the injured, for medical expenses and the injured persons have been discharged from the hospital on the same day.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of dispute between the parties and also considering the ex-gratia amount paid by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, these Criminal Original Petitions are 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, Sathur**, 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 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 learned 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 daily at 10:30 a.m., for a period of two weeks, thereafter, the petitioner shall report on every Saturday at 10:30 a.m., until further orders and the second petitioner shall report as and when required for interrogation;

(c) the petitioners shall not tamper with the 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 Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/02/2023

/ TRUE COPY /

/02/2023

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

PNM

TO

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

+2 CC to M/s.C.MAYILVAHANARAJENDRAN, Advocate (SR-2094[I], SR-2095 [I] dated 09/02/2023)

ORDER IN

CRL OP(MD).Nos.2304 and 2313 of 2023

Date :09/02/2023

RS/SSS/SAR.4(15.02.2023) 3P-7C