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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 14/02/2023

PRESENT

**The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA**

CRL OP(MD) . No.2859 of 2023

Kannan

... Petitioners/Accused No.4

Vs

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

... Respondent/Complainant

For Petitioner : M/s.Solaisamy.M, Advocate

For Respondent : Mr.T.Senthil Kumar,  
Additional Public Prosecutor

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 22.09.2022, for the 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, seeks 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 persons. 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, 7 workers died and 23 other workers sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. The petitioner is working as a Foreman, in the alleged Fireworks. Due to change of climate and mishandling of explosive substances, the blast has occurred. The license holders/partners of the Fireworks/A1, A2 have also given an ex-gratia amount of Rs.5,50,000/- to the family members of each deceased (totalling to Rs.27,50,000/-) and also paid an amount of Rs.25,000/- each to the 23 injured employees. In this case, major part of investigation has been completed and the co-accused, ie., the license holders/partners, who are arrayed as A1, A2 and one of the procuring agent/purchaser, who is arrayed as A3 were also granted anticipatory bail by this Court in Crl.OP(MD)Nos.2304, 2313, 1693 of 2023, dated 09.02.2023. The petitioner is in judicial custody from 19.01.2023. Hence, prays to release the petitioner on bail.

4. The learned Additional Public Prosecutor would submit that though the co-accused were already enlarged on bail, due to negligence in handling chemicals and explosive substances by the accused persons, there was an explosion, resulting in death of five persons and injuries to 23 persons. He would object for grant of anticipatory bail.

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 also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain 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.II, Sattur**, and on further conditions that:

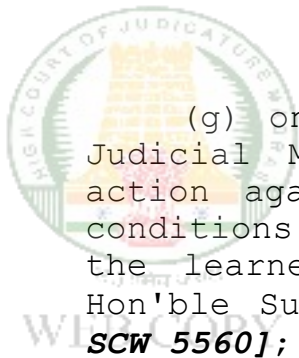
(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent Police, daily at 10.30 a.m., 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 during investigation or trial;



(g) on breach of any of the aforesaid conditions, the 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 [(2005)AIR SCW 5560]**;

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

sd/-

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14/02/2023

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

PNM

TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE, SUB JAIL, VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE, VEMBAKKOTTAI POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.SOLAISAMY, Advocate ( SR-2261[I] dated 14/02/2023 )

ORDER

IN

CRL OP(MD) No.2859 of 2023

Date :14/02/2023

RS/VR/SAR.(14.02.2023) 3P-7C