



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Fourteenth day of February Two Thousand and Twenty
Three

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PRESENT

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

CRL.O.P(MD)No.2888 of 2023

Krishnamoorthi

...Petitioner/Accused No.1

-vs-

The State represented by
The Sub Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(in Cr.No.24 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.24 of 2023.

For Petitioner
For Respondent

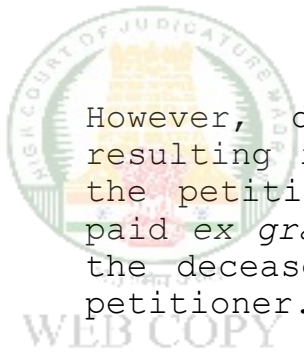
: Mr.N.Dilip Kumar
: Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 286, 338 and 304(2) of IPC and Section 9(B)(1)(a) of Explosives Act, 1884 in Crime No.24 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Guru Packiyam, Village Administrative Officer, is that he has received an information that there was a explosion in M/s.Vijaya Fire Works and two persons were died. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is a partner of M/s.Vijaya Fire Works. He would further submit that petitioner is running the factory following the strict rules and taking due diligence.



However, due to claimatical change, explosion had taken place resulting in the death of two persons. He would also submit that the petitioner, without prejudice to his rights and defence, had paid *ex gratia* amount of Rs.7,50,000/- to the family of the each of the deceased. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the partner of a fire works factory and due to the negligence on the part of the petitioner as well as the foreman of the factory, an explosion had taken place in the factory, due to which two persons died. Hence, he would oppose for grant of anticipatory bail to the petitioner.

5.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 petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Sivakasi, on condition that the petitioner shall 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 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

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

[d] the petitioner 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 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]**.

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

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sd/-
14/02/2023

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/02/2023

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

CMR

TO

1.THE JUDICIAL MAGISTRATE NO.2, SIVAKASI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3.THE SUB INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.DILIPKUMAR.N Advocate SR.No.2324(I)

ORDER

IN

CRL OP(MD) No.2888 of 2023

Date :14/02/2023

NA/VS/SAR-I/22.02.2023/3P/6C