



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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.4380 of 2023

A.Pichaimari

... Petitioner / Accused No.3

Vs.

The State through
The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
(Crime No.48 of 2023)

... Respondent / Complainant

For Petitioner : Mr.S.Malaikani, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.48 of 2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 286, 304(2) of IPC, 1860 and Section 9(B)(1)(b) of Indian Explosive Act, 1884, seeks anticipatory bail.

2.The case of the prosecution that on 16.02.2023 at around 6.30 a.m. the de-facto complainant's son by name Aravind and three others namely Rajalingam, Mariselvam, Asir Salomon were went for Well digging work under the contractor namely Sakthivel. The said Sakthivel gave the explosives to the defacto complainant's son and the three others, went away. Since the defacto complainant's son is a coolie, working under the said Sakthivel, he did not know how to handle the explosives. When he tested the explosives, it was exploded



and the defacto complainant's son and two others were die spot. One Mariselvam was injured in the accident. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. It is seen that the petitioner is arrayed as A3. Even according to the prosecution, A1 and A2 engaged the deceased and others to dig up the Well by using explosive. Those explosive was supplied by the petitioner herein. Unfortunately, while digging the Well due to the blast, two persons died and others sustained injuries. The petitioner is the license holder to sell the explosive.

5. Considering the facts and circumstances of the case, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangulam 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 daily at 10.30 a.m., for a period of three weeks and thereafter as and when required for interrogation.

(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



5560J; and;

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

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

VSD

To

1.The Judicial Magistrate,
Alangulam.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Alangulam Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to S. MALAIKANI Advocate SR.No.3497(I), dated 07.03.2023.

ORDER

IN

CRL OP(MD) No.4380 of 2023

Date :07/03/2023

ED/MMS/SAR-3 (16/03/2023) 3P 6C