



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

Date : 14/03/2023

PRESENT

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

CRL OP(MD). No.4777 of 2023

Ramesh

... Petitioner / Accused No.1

Vs

The State of Tamil Nadu
Represented by the
The Sub Inspector of Police,
Vachakarapatti Police Station
Virudhunagar District.
(Crime No.43/2023).

... Respondent / Complainant

For Petitioner : Mr.N.Dilip Kumar, 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 Cr No.43/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 286,338 of IPC and section 9(B)(1`)(a) of Explosive Act, 1884 @ 304 (A) of IPC in Crime No. 43 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the fire accident took place in RST fire works, in which two persons sustained injuries and died, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

<https://www.mhc.tn.gov.in/Audis> It is seen that the petitioner had valid license for



running fire works and he involved in manufacture of cracke: ie is running the factory for several years. The petitioner also followed the rules and regulations in the manner of manufacturing fire works in the factory. Further the factory consists of several independent sheds/rooms and fire said to have taken place at shed/room nos.24 and 25, wherein two employers were working the place of incident at that time. Because of the said untoward incident two persons died. The petitioner herein has also paid a sum of Rs.5,00,000/- each to the deceased persons family solatium. There are totally two accused in this case in which the petitioner herein is arrayed as A1. The second accused who is the foreman of the company was arrested and remanded to judicial custody . The petitioner is only a licence holder and owner of the factory and admittedly he was not present in the factory at the time of occurrence. therefore custodial interrogation of the petitioner is not required in this case, hence this Court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

5. 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.I, Virudhunagar 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 respondent police daily at 10.30 am., for a period of four 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 Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

sd/-
14/03/2023

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/ TRUE COPY /

/03/2023

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

AAV

To

1.The Judicial Magistrate No.I,
Virudhunagar

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Sub Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

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

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-4377[I] dated 16/03/2023)

ORDER
IN
CRL OP(MD) No.4777 of 2023
Date :14/03/2023

ED/BUC/SAR-2 (16/03/2023) 3P 6C