



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

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8276 of 2023

Kesavan,
Partner of the Indian National Fire Works,
Wrongly Shown in FIR as
Owner of the Indian National Fire Works ... Petitioner/Accused No.1

Vs

State rep. by
The Sub Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
(Crime No.53/2023). ... Respondent/Complainant

For Petitioner : M/s.Dilip Kumar N,
Advocate.

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

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

PRAYER :-

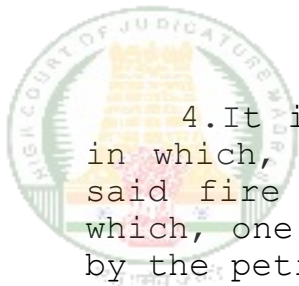
For Anticipatory Bail in Crime No.53/2023 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 286 and
304(2) of I.P.C. and Sections 9(B)(1)(a) of Explosives Act, in Crime
No.53 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 the Indian National Fire works, in which, one employee
viz., Jayachitra succumbed to burn injuries. Hence, the case.

3.Heard. Perused the materials available on record including
the First Information Report.



4.It is seen that there are two accused involved in the case, in which, the petitioner is arrayed as A1, he is the owner of the said fire works and one room of the factory got fire and due to which, one person died. However, the deceased family was compensated by the petitioner to the tune of Rs.11,50,000/-.

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5.Considering the above 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 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.1, Sathur, 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, daily at 10.30 a.m., for a period of two 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 FIR can be registered under Section 229A IPC.

sd/-

28/04/2023

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/05/2023

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



TO

1. The Judicial Magistrate No.1, Sathur.
2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
3. The Sub Inspector of Police,
Elayirampennai Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.DILIP KUMAR N, Advocate (SR-7001[I] dated 28/04/2023)

ORDER
IN
CRL OP(MD) No.8276 of 2023
Date : 28/04/2023

NA/VS/SAR-3/09.05.2023/3P/6C