



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

Date : 17/05/2023

WEB COPY

PRESENT
THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD) . No.8528 of 2023

1. Jai Sankar
2. S.Kannan

... Petitioners/Accused 1 & 2

Vs

The State rep by,
The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
Crime No.88 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Solaisamy,
Advocate.

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.88 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 286 and 304(A) of I.P.C., and Section 9(B)(1)(a) of the Indian Explosives Act 1884 in Crime No.88 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to the fire accident that had occurred in the factory, one Pushpam died. Since the petitioners had not taken any precautionary measure, the accident had occurred.

3. The learned counsel for the petitioners would submit that they had paid a sum of Rs.7,00,000/- to the sons of the deceased without prejudice to their claim.



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

5. Taking into consideration of the facts and circumstances of the case and also the age of the petitioners, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. Accordingly, the first petitioner is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the sons of the deceased. 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 petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties (of which one shall be a blood related surety) 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 petitioners 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 petitioners shall report before the respondent Police, on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

17/05/2023

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/05/2023

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



CRL OP(MD).



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TO

1. The Judicial Magistrate No.I,
Virudhunagar.
2. Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
3. The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.8528 of 2023

Date : 17/05/2023

NA/CG/SAR- /22.05.2023/3P/5C