



Crl Op(MD) No.13265, 13270 & 13393 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.13265, 13270 & 13393 of 2023

Dharma

... Petitioner/ Accused No.4

in Crl.O.P(MD).No.13265 of 2023

Palraj

... Petitioner/ Accused No.3

in Crl.O.P(MD).No.13270 of 2023

1.Anthoniyammal

2.S.Ravikumar

... Petitioner/ Accused No.1 & 2

in Crl.O.P(MD).No.13393 of 2023

Vs.

The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.277 of 2023.)

... Respondent/ Complainant in all cases.

For Petitioner : M/s.Bharathi S, Advocate.
In Crl.O.P.(MD).No.13265 of 2023

For Petitioner : M/s.K.Sridhar, Advocate.
In Crl.O.P.(MD).No.13270 of 2023

For Petitioner : M/s.R.Rajamohan, Advocate.
In Crl.O.P.(MD).No.13393 of 2023

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side) ,In all petitions

(Accused Rank and the prayer amended as per the order passed by this Court in
Crl.M.P.(MD).Nos.10831 & 10879 of 2023 in Crl.O.P.(MD).Nos.13265 & 13270 of
2023)

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Crl Op(MD) No.13265, 13270 & 13393 of 2023

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.277 of 2023 on the file of the respondent police

COMMON ORDER : The Court made the following order :-

The petitioners/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 286 of I.P.C. r/w Section 9(B)(1)(a) of the Indian Explosives Act, 1884, in Crime No.277 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief:

The defacto complainant is a Village Administrative Officer. On information, he visited Sanjay Power Works Company premises on 15.07.2023 at about 01.00 p.m. During his inspection, he found that the crackers were prepared outside the rooms, earmarked for manufacturing the crackers. On seeing the defacto complainant some of the persons, ran away from that place. On further search, he found the portions of the crackers. Further enquiry, revealed that licence was granted in favour of one Anthonyammal, the first accused. Against the licence, she sub-leased the same to one Palraj and one Dharmaraj. Knowing fully that if the crackers are manufactured or produced outside earmarked area, it may endanger human life, the above said manufacturing has been undertaken and the crackers



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worth about Rs.6lakhs has been recovered from that place. Based upon the complaint, the above said case has been registered against the accused persons.

3. Seeking anticipatory bail, these petitions have been filed by the accused persons stating that there was issue between the daughter-in-law and the first accused. The daughter-in-law by misusing the Village Administrative Officer has foisted the false case. It is also further submitted that the accused Dharma is working as a Labour in Sanjay Fire Works Limited. He is no way involved in the above said violation of permit or licence. Similarly, the accused Palraj has also stated that he is one of the Labour and not involved in the above said violation of licence. So far as Anthoniyammal is concerned as stated above, it has been stated that because of the enmity between herself and her daughter-in-law, the false case has been registered.

4. In the grounds, it has been stated that the second accused is working as General Manager in a Kaynes Technology Limited. On that ground he was granted interim protection on 28.07.2023. He has also produced his pay slip. On that ground, already interim protection was granted to him, is now made absolute.

5. So far as other petitioners are concerned, the learned Government Advocate (Crl. Side) would submit that they are having previous cases and has also produced the list, which shows that frequent occurrence taken place in the above said fire



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works company. In spite of repeated registration of FIRs, they have not corrected themselves, in stead, indulging in the very same illegal activity. Such sort of conduct cannot be approved. It is also brought to the notice of this Court that in pursuance of the above said registration of the FIR, licence that was granted has been temporarily suspended. So I find absolutely, no reason to grant anticipatory bail to other accused persons viz., A1, A3 and A4.

6.Accordingly, Crl.O.P.(MD).No.13265 of 2023 is allowed in respect of the second accused/second petitioner. The Second accused/second petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Sivakasi, on condition that the second accused/second 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 learned Magistrate concerned and the second accused/second petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The second accused/second petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The second accused/second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.



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8.The criminal original petition in Crl.O.P.(MD).No.13265 of 2023, is dismissed in respect of the first accused/first petitioner. Further, the Criminal Original Petitions in Crl.O.P.(MD).Nos.13270 & 13393 of 2023 are also dismissed.

sd/-
17/08/2023

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/09/2023

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

TM

To

1.The Judicial Magistrate,
Sivakasi.

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

3.The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.

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

ORDER

IN

CRL OP(MD). Nos.13265, 13270 & 13393 of 2023

Date :17/08/2023

ED/VRS/SAR- (07/09/2023) 5P / 5C

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