



Crl.OP(MD)No.14021 of 2023

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

Dated: 08/09/2023

PRESENT

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.14021 of 2023

1.Shanmugaiah
2.Mahendran

: Petitioners / Accused No.1 and 2

Vs.

The State rep. by
The Inspector of Police,
Vembakotai Police Station,
Virudhunagar District.
(In Crime No.197 of 2023)

: Respondent / Complainant

For Petitioners : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER:-For Anticipatory Bail in Crime No.197 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under sections 286 and 304(2)



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IPC and section 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.197 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in brief:-

The de-facto complainant is working as Village Administrative Officer of Thailpatti Village. On 25/07/2023 at about 12.20 pm, he received an information that there was a fire blast in RSR Amorsas Fireworks. Along with the Village Assistant, he went to that place and found two persons burnt to death. The bodies were taken to the hospital. On enquiry, it was revealed that while preparing crackers, because of the friction tension between the chemicals, the above said blast said to have taken place. Further enquiry reveals that no safety measures were provided to the labourers or in the place of factory for preparing the above said crackers. One Kannan, who was working as Foreman also found guilty for the above said violation of safety measures. Against the permission and Rules, the labourers were asked to do the work in the handling room. Because of the above said criminal negligence only, the above said occurrence said to have taken place. On the basis of the complaint, a case in Crime No.197 of 2023 was registered for the offences stated above.

3.Seeking anticipatory bail, this petition has been filed on the ground that even at the time of first hearing, it was brought to the notice of this Court that several



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cases have been registered against the petitioners for violation of the Licence Rules.

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4. So, the learned Additional Public Prosecutor was required to produce all the details. He has also produced the details, which shows that four similar cases were registered. Among four cases, 3 cases have been disposed of and another case in Crime No.77 of 2022 is pending before the concerned trial court. So on the basis of the above said previous bad antecedents, this court was not inclined to grant anticipatory bail.

5. But however, the learned Senior Counsel appearing for the petitioners would submit that no doubt that there is a violation of Licence Rules, but simultaneous action has been initiated against the officers, occupants, etc., under the provisions of the Factories Act for the alleged negligence and violation of proper Rules and the owner of the Company has also paid compensation amount to the deceased families. Apart from that, it is also submitted that absolutely, it is only a case of industrial accident or factory accident as the may be, for which, no knowledge can be imputed to the petitioners. Because A3, who is working as Foreman in the Factory is responsible for the management and providing safety measures to the workers. He was arrested and later released on bail by this court. So according to him, the offence under section 304(II) IPC is not at all attracted.

6. But I am unable to convince any of such argument advanced by the learned



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counsel for the petitioners for the simple reason that already for the similar offence, as mentioned above, a case in Crime No.77 of 2022 was registered and it is stated to be pending. Pending the above said case, the present occurrence said to have been taken place. What sort of violation was noticed during the occurrence period is a matter for consideration by the Investigating Officer.

7.Even though, the competent authority under the provisions of the Factories Act can take further course of action in this regard, now it has been submitted that the licence was also suspended.

8.But the learned Senior Counsel appearing for the petitioners would submit that even now, the petitioners are ready to pay additional compensation to the families of the deceased and any condition may be imposed upon the petitioners to comply the provisions of Factories Act directly and if any violation is noticed, then the anticipatory bail that may be granted to the petitioners may be ordered to be vacated immediately.

9.No doubt that the petitioners are involved in previous cases of similar in nature, but what happened is very unfortunate.

10.In the light of the undertaking given by the petitioners stating that they are ready to pay the additional compensation, I am of the considered view that it will give some sort of relief to the families of the deceased. So, instead of keeping the



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petitioners under the judicial custody, monetary compensation may be beneficial in nature. On that sole ground, this petition is liable to be allowed on condition that they must deposit Rs.5,00,000/- each to the credit of the Crime No.197 of 2023 before the Judicial Magistrate No.II, Sattur to the benefit of the families of the deceased.

11.In the result, this petition is allowed on condition that the petitioners must deposit Rs.5,00,000/- each to the families of the deceased namely Murugeswaran and Bala Saraswathi. On further condition that if the petitioners are continuously involved in violation of the licence granted, which has been now suspended, then the anticipatory bail that was granted to the petitioners shall stand cancelled automatically without reference to this court. The respondent police is at liberty to arrest the petitioners and remand to custody by obtaining proper orders from the concerned court. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Sattur and on each of them executing 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 Judicial Magistrate concerned and on further condition that the petitioners shall deposit Rs.5,00,000/- each to the families of the deceased namely Murugeswari and Bala Saraswathi to the credit of the Crime No.197 of 2023 before the concerned



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trial court. The Legal Heirs of the deceased are permitted to withdraw the above said amount without waiting for the investigation or trial as the case may be. The above said compensation is without prejudice to the compensation that was received by the deceased families from the Government. On further condition that the petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

sd/-
08/09/2023

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/09/2023

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

ER

To

1.The Judicial Magistrate No.II,
Sattur.

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

3.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.

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

<https://www.mhc.tn.gov.in/judis>



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+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-13441[I] dated 11/09/2023)

ORDER
IN
CRL OP(MD) No.14021 of 2023
Date :08/09/2023

ED/JGB/SAR- (20/09/2023) 7P / 6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023