



CRL OP(MD)No.18090 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18090 of 2023

A.S.Rajendra Raja

... Petitioner/ Accused No.1

Vs

State Rep.by
The Sub-Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.120 of 2023)

... Respondent/ Complainant

For Petitioner : Mr.M.Jothi Basu,Advocate

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.120 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 286, 338 IPC r/w Section 9(B)1(a) of the Indian Explosive Act, thereafter altered into Sections 286, 338, 304(ii) IPC r/w Section 9(B)1(a) of the Indian Explosive Act in Crime No.120 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant in this case is a Village Administrative Officer. The petitioner is the owner of a Fireworks, by name Victoria Fire Works. A2 is working as a Formen. On 06.03.2023, at about 17.15 hours, explosion took place in the fireworks, when the employees are engaged in manufacturing crackers. In the said explosion, three employees have sustained injuries. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that for the deceased P.Ganesan's family, the petitioner gave Rs.5,00,000/- as compensation. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that due to explosion, three employees were sustained injuries and out of three persons, one P.Ganesan died on 07.10.2023 and V.Raja died on 10.10.2023.

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Hence, now the offences were altered as Sections 286, 338, 304(ii) IPC r/w Section 9 (B)1(a) of the Indian Explosive Act. He has also produced alteration report. Therefore, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of offence, this Court is inclined to grant anticipatory bail on condition that the petitioner shall deposit a sum of Rs.5,00,000/-(Rupees Five Lakhs only)for the deceased P.Ganesan's family, apart from the amount of Rs.5,00,000/-, which is already deposited and a sum of Rs.10,00,000/-(Rupees Ten Lakhs only) for the deceased V.Raja's family, since no amount was paid to his family till date, to the credit of Cr.No.120 of 2023 before the Judicial Magistrate Court No.II, Sattur, Virudhunagar District within a period of four weeks from the date of receipt of a copy of this order, failing which, the anticipatory bail granted to the petitioner shall stand cancelled automatically. After deposit, the respective family members of the deceased are permitted to withdraw the amount by producing relevant legal heir certificate, without notice to the petitioner.

6.On such deposit, 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 Judicial Magistrate Court No.II, Sattur,

Virudhunagar District on condition that the petitioner shall execute a bond for a sum

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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 trial Court on summons.

[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].



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

sd/-
10/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
SATTUR, VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3 THE SUB INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-14983[I] dated 11/10/2023)

ORDER
IN

CRL OP(MD) No.18090 of 2023
Date :10/10/2023

PKP/JGB/SAR- /17.10.2023/ 5P/ 6C
Madurai Bench of Madras High Court is issuing certified
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