



CRL OP(MD). No.18330 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2023

PRESENT

The Hon`ble Mr.Justice V.SIVAGNANAM

CRL OP(MD). No.18330 of 2023

Hardik Sahani @ Hartheek Sahani,

... Petitioner/Ranking Not Known

Vs

The Inspector of Police,
Railway Protection Force,
Madurai Police Station,
Madurai.

(Crime No.114 of 2023).

... Respondent/Complainant

For Petitioner : M/s.MARK.J.JACKSON,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime no.114 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who were arrested and remanded to judicial custody on 26.08.2023 for the alleged offence punishable under Sections 304(II), 285 of IPC and 164 of Indian Railways Act @ from Section 174 Cr.P.C., in Crime No.114 of 2023, on the file of the respondent police, seeks bail.



CRL OP(MD). No.18330 of 2023

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2. The case of the prosecution is that the defacto complainant and her husband and 63 others have come to various places in Tamil Nadu and other places from Uttarpradesh. When they came to Madurai by Punalur Express around 4.00 a.m., on 26.08.2023 at 5.15 hours, some persons had prepared tea, following the same fire caught on one of the train coach and that 9 persons including the defacto complainant's husband died in the said fire accident and some persons were sustained with injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he is no way connected with the travel Company viz., Bhasim Tour and Travels and his name has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is belong to other state and the investigation of this case has already been completed and the charge sheet was filed before the concerned Court.

5. On a perusal of the FIR, it is noticed that when the travellers coach was parked at Madurai stabling line, the petitioner has prepared tea in the coach by using the gas cylinder, which caused fire in the parked coach and as a result, 9 persons died on the spot and some persons have sustained injurious.

6. Considering the nature of allegations made against the petitioner and that the



CRL OP(MD). No.18330 of 2023

investigation of the case has already been completed and the charge sheet was filed before the concerned Court and also considering the period of incarceration and also taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40 and the nature of the offence alleged by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum and he should produce the solvency certificate to the satisfaction of the learned Judicial Magistrate No.VI, Madurai and on further conditions that:

(i) the petitioner shall affix his photograph 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.

(ii) the petitioner shall appear before the respondent police once in a week i.e., on every Monday at 10.30 am until further orders;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial;

(v) 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



CRL OP(MD). No.18330 of 2023

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].

vi)If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/10/2023

/ TRUE COPY /

30/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
RAILWAY PROTECTION FORCE,
MADURAI POLICE STATION,
MADURAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



CRL OP(MD). No.18330 of 2023

+1 CC to M/s.MARK J JACKSON, Advocate (SR-15664[I] dated 30/10/2023)

ORDER
IN
CRL OP(MD) No.18330 of 2023
Date :30/10/2023

SA/SAR. /30.10.2023/5P/7C

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