



CRL OP(MD). No.19323 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2023

PRESENT

The Hon`ble Mr.Justice R.SAKTHIVEL

CRL OP(MD). No.19323 of 2023

R Balamuralikrishnan

... Petitioner/ Accused No.1

Vs

**State Rep.by
The Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
(Crime No.168 of 2023).**

... Respondent/ Complainant

For Petitioner : Mr.J.Jeyakumaran,Advocate

**For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No.168 of 2023 on the file of the Respondent Police.



CRL OP(MD). No.19323 of 2023

WEB COPY

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 286 IPC read with 9(B)(1)(a) of Indian Explosives Act, 1884, in Crime No.168 of 2023, on the file of the respondent, filed this petition under Section 438 of Cr.P.C praying to grant an order of pre-arrest bail.

2. The case of the prosecution is that on 20.10.2023, the petitioner, who is the owner of the Fireworks namely PRC Fireworks and the second accused, who is the Foreman of the said Fireworks were engaging in manufacturing of crackers in Tin Sheet Shed, by violating the terms and conditions of the License. Based on the complaint given by the Village Administrative Officer, a case was registered against the petitioner and the said accused No.2 in Crime No.168 of 2023 under Sections 286 IPC read with 9(B)(1)(a) of Indian Explosives Act, 1884.

3. The learned counsel for the petitioner submitted that the petitioner is the owner of the Fireworks, the second accused is the Foreman/Supervisor. The petitioner did not commit any violation of rules or license conditions. The respondent Police has falsely registered a case against the petitioner and no property was seized by the respondent Police. Further, he submitted that the alleged violation



CRL OP(MD). No.19323 of 2023

attract imprisonment for a term up to 3 years, or with fine which may extend to five thousand rupees, or with both. The petitioner has permanent residence and he is ready to furnish any surety as ordered by this Court. Hence, he prayed to allow the petition.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner was manufacturing crackers under Tin Sheet Shed by violating the Rules and Regulations as prescribed in the Explosives Act. If bail is granted to the petitioner, he will continue his business without following safety measures and terms and conditions. Accordingly, the learned Government Advocate (Crl.Side) raised objection to dismiss the petition.

5. Heard on both sides. This Court has perused the records.

6. This Court has considered both side submissions. It is alleged that the petitioner has violated the license conditions and Rules and Regulations prescribed under the Indian Explosives Act, 1884. The petitioner has permanent residence, hence there is less possibility for absconding, considering the nature of the violations, this Court is inclined to allow the petition, however subject to the conditions:-

7. Accordingly, this Criminal Original Petition is allowed. Pre-arrest bail order is granted to the petitioner subject to the following conditions:-



CRL OP(MD). No.19323 of 2023

WEB COPY

i) the petitioner is ordered to be released on bail in the event of his arrest or on his surrender before the learned Judicial Magistrate No.II, Sivakasi, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate No.II, Sivakasi;

(ii) the petitioner shall appear before the respondent police weekly twice ie., on every Monday and Friday at 10.00 a.m., until further orders;

(iii) the petitioner and the sureties shall affix their photographs and left thumb impression in the application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate may obtain a copy of any one of identity proof to ensure their identity;

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(v) the petitioner shall appear and co-operate with the Investigating Agency as and when required for investigation;

(vi) If the petitioner absconds, a fresh FIR shall be registered under Section 229 (A) of IPC;

(vii) on breach of any of the aforesaid conditions, the learned Magistrate is entitled to pass appropriate orders against the petitioner in accordance with law, as if



CRL OP(MD). No.19323 of 2023

the aforementioned conditions are imposed by themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 13 SCC 283].

sd/-
26/10/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM
TO

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

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-15668[I] dated 30/10/2023)

ORDER
IN
CRL OP(MD) No.19323 of 2023
Date :26/10/2023

PKP/VRS/SAR- /03.11.2023/ 5P/ 6C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023

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