



Crl.O.P.No.25579 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Sections 288, 125(a), 105 of BNS and Section 9(B)(1)(a) of the Indian Explosives Act, in Crime No.268 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant along with the deceased Karnan, Kumar and Lakshmanan were working in the fireworks factory of the petitioner and on 24.08.2024 at about 1.00 p.m., while Karnan was working without any safety measures, heat generated during the work, caused a fire and led to an explosion and the said Karnan died on the spot and Kumar and Lakshmanan sustained fire injuries and the defacto complainant sustained injury in his back head. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He further submitted that the petitioner is a license holder and all the safety precautions were taken by him, but



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however, beyond his control, the accident had happened and he already paid compensation amount to the family members of the deceased and injured persons. However, on instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the defacto complainant along with the deceased Karnan, Kumar and Lakshmanan were working in the fireworks factory of the petitioner and on 24.08.2024 at about 1.00 p.m., while Karnan was working without any safety measures, heat generated during the work, caused a fire and led to an explosion and the said Karnan died on the spot and the defacto complainant and two others sustained injuries. He further submitted that there is no previous case against petitioner. He also confirmed that the petitioner has paid compensation amount to the family members of the deceased and injured persons. However, he opposed for grant of anticipatory bail to the petitioner.



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WEB COPY 5. Considering the representations made by both sides and the nature of offences charged against the petitioner and there is no previous case against the petitioner and the petitioner has paid compensation amount to the family members of the deceased and injured persons and the petitioner is a license holder and even as per the report of the District Collector, only on suspicion, the license was suspended, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.I, Mayiladuthurai*, on condition that the 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the respondent Police, on everyday at 10.30 a.m., until further orders;**

[b] the petitioner shall not, directly or indirectly, make



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any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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]***.

[g] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

19.10.2024

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P.DHANABAL, J.



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