



Crl.O.P.No.27486 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner/sole accused who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 286, 337, 338 of IPC read with Section 9(B)(1)(a) of the Indian Explosive Act in Crime No.425 of 2023, seeks anticipatory bail.

2. It is stated that the petitioner was running a explosive godown without following the guidelines as prescribed by the Government, due to which, a fire accident had occurred and two persons sustained injuries.

3. The earlier application seeking anticipatory bail was dismissed on 31.10.2023 in Crl.O.P.No. 24653 of 2023 since the injured were still in hospital. Later they had been discharged.

4. An affidavit has been filed by the petitioner stating that the petitioner had paid a compensation of Rs.50,000/- to each one of the two injured and also undertaking to pay another sum of Rs.5,000/- to each one of the two persons.

5. Taking all the factors into consideration and also the fact that the petitioner had also suffered injuries in the same accident, 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



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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, Ulundurpet, 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, 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 respondent police daily at 10.30 a.m., until further order.

[c] the petitioner shall deposit a sum of Rs.10,000/- to the credit in Cr.No. 425 of 2023 and on such deposit, the learned Judicial Magistrate may hand over Rs.5,000/- each to the two injured. It is made clear that the injured can seek additional compensation if they are so entitled in the manner known to law.

[d] the petitioner shall not tamper with evidence or witness either



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

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

7. It is made clear that the payment of compensation does not mean that the petitioner had admitted to the offence against him.

11.01.2024

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