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Crl.O.P.No.31608 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 31608 of 2024

SATHIYAPRIYA

W/o.Karthikeyan, No.38A, Pappam patti,
Pallapalayam, Irugur, Palladam Tiruppur,

Petitioner(s)

Vs

State Rep.By, The Inspector Of Police,
Thirumuruganpoondi Police Station, Tiruppur.
(Cr.No.695 of 2024).

Respondent(s)

For Petitioner(s):

S.Senthilvel
B.S Elva Kadambari
B.Shakthivel
M. Kokila
S.Rohini

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 105 and 288 of BNS and Sections 3(a) and 5 of Explosive Substance Act, 1908 in Crime No.695 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that, the husband and brother of the petitioner herein were running fire works factory without any license and the petitioner herein along with other persons were involved in making crackers by using the explosive materials in their house and due to their negligence, an explosion occurred and four persons died and 11 others were injured. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and she has not committed any offence. He would further submit that the brother of the petitioner herein had purchased raw materials for making crackers and kept it in the house of the petitioner's husband and the same has accidentally exploded, due to which the petitioner herein has also sustained 55% of burn injury. He also submitted that the specific overt act has been attributed against A2/ Saravana Kumar, who is the brother of the petitioner herein. He also submitted that A1/ Karthikeyan, who is the husband of the petitioner herein was arrested and released on bail by this Court vide order dated 17.12.2024 in Crl.O.P.No.31183 of 2024. He also submitted that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for granting of anticipatory bail to the petitioner, stating that, the petitioner, her brother and husband had involved in making crackers with explosive substances, without any license and due to their negligence, an explosion occurred, wherein four persons died and 16 persons were injured, including the petitioner herein. He also submitted that the brother of the petitioner, who arrayed as A2 had brought the said explosive material for making fire crackers and kept in the petitioner's house and he was detained under Goondas by the Commissioner of Police/ Detaining Authority, Tiruppur city.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, considering the fact that the co-accused was arrested and released on bail and further, the petitioner herein is also a injured victim of the accidental explosion, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate, Avinashi** on condition that the petitioner shall execute a separate 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 everyday at 10:30 a.m., until further orders.

[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.



Crl.O.P.No.31608 of 2024

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

20.12.2024

stn

To

1. State Rep.By, The Inspector Of Police,
Thirumuruganpoondi Police Station,
Tiruppur.
(Cr.No.695 of 2024).

A.D. JAGADISH CHANDIRA, J.

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Crl.O.P.No.31608 of 2024

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