



CRL OP(MD). No.101 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2024

PRESENT

The Hon`ble Mr.Justice **M.DHANDAPANI**

CRL OP(MD). No.101 of 2024

Muthu

... Petitioner/ Accused No.2

Vs

The Sub Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.344 of 2023.

... Respondent/Complainant

For Petitioner : Mr.K.Jeyamohan,
Advocate.

For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.344 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on
06.12.2023, for the offences punishable under Sections 286 and 308 of IPC @ Sections



304(ii) of IPC in Crime No.344 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.12.2023, the accused persons refilling gas from the domestic cylinder to commercial cylinder without following any safety measures and unfortunately, the cylinder was burst, in which, three persons sustained injuries. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is also one of the employees of the said Gas Agency and he had also sustained injuries in the said occurrence. He would further submit that there is no specific overt act attributed against the petitioner and he is in judicial custody since 06.12.2023. Hence, he prays for grant bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that without following any safety measures, the accused persons refilling gas from the domestic cylinder to commercial cylinder and unfortunately, the cylinder was burst, in which, three persons sustained injuries. Out of three persons, one person died. Hence, he opposed to grant bail to the petitioner.

5.Heard the learned counsel on either side.

6.Considering the facts and circumstances of the case and also considering the



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period of incarceration suffered by the petitioner and the petitioner is only the employee of the said Gas Agency, this court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate Court, Cheranmahadevi, Tirunelveli District, and on further conditions that:

(a) 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 is directed to appear before the respondent police as and when required for interrogation;

(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;

(e) 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



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learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court

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in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

8.This leniency may not be applicable to the owner of the Gas Agency and is only applicable to the employees. However, the bail granted by this Court is applicable only to the employees alone and the owner cannot take advantage of the bail granted by this Court.

sd/-

04/01/2024

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04/01/2024

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.



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4 THE SUB INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.K.JEYAMOHAN, Advocate (SR-178[I] dated 04/01/2024)

ORDER
IN
CRL OP(MD) No.101 of 2024
Date :04/01/2024

SS/SAR- /04/01/2024/5P/7C

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