



CRL OP(MD) No.527 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.527 of 2024

MUHAMED ADHAM

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO. 344 OF 2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.MOHAMED HASHIM, Advocate

For Respondent : MR.SS.MADHAVAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.344 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 286, 308 IPC altered into Sections 286, 308 and 304(ii) IPC in Crime No.344 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working in HP



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Royal Gas Agency and A1 & A2 used to refill commercial cylinder from domestic cylinder for higher profit. While so, on 05.12.2023, when the defacto complainant and two others were boiling water, unfortunately, caught fire and one of the victim died. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he would further submit that the petitioner, without prejudice to his rights before the Workmen Compensation Court, is ready to deposit a sum of Rs.20,00,000/- in favour of the victims.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that for higher profit, the accused persons used to transfer the gas from commercial cylinder to domestic cylinder, in which, there was an accident occurred. In the accident, one person died. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner is ready and willing to deposit a sum of Rs.20,00,000/- to the victim family, 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



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arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Cheranmadevi 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)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall deposit a sum of Rs.10,00,000/-(Rupees Ten Lakhs only) to the credit of Account No.124155000174387, KVB, IFSC Code - KVBL0001249, Branch-Tirunelveli Town(Account Holder- Mrs. Meenatchi S), within a period of four weeks from the date of receipt of a copy of this order and produce the proof of payment at the time of executing sureties and the petitioner shall deposit a sum of Rs.5,00,000/-(Rupees Five Lakhs only) to the above said A/C Number, within a period of three weeks from the date of first deposit and shall deposit a sum of Rs.5,00,000/-(Rupees Five Laksh only) to the credit of above said A/C Number, within a period of three weeks, thereafter, without prejudice to his defence before the Workmen Compensation Court;



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(c)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(f)the petitioner shall not abscond either during investigation or trial;

(g)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]; and;

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

sd/-
11/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE, CHERANMADEVI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.A.MOHAMED HASHIM, Advocate (SR-664[I] dated 12/01/2024)

ORDER

IN

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Date :11/01/2024

RS/JGB/SAR-(31.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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