



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

WEB COPY

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

Wednesday, the Twenty Fourth day of April Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

PERIYAR NATTANMAI @ VEERA SOLAIAPPAN ... PETITIONER/ ACCUSED NO.3
IN CRL OP(MD).5240/2024

RAJASEKAR ...PETITIONER/ ACCUSED
RANK NOT KNOWN
IN CRL OP(MD).5890/2024

BASKARAN ... PETITIONER/ ACCUSED NO.1
IN CRL OP(MD).5297/2024

Vs

THE SUB INSPECTOR OF POLICE
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 21 OF 2024

... RESPONDENT/COMPLAINANT
IN CRL OP(MD).5240/2024

THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT
CRIME NO.21 OF 2024

...RESPONDENT/COMPLAINANT
IN CRL OP(MD)NO.5890 OF 2024

THE INSPECTOR OF POLICE
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 54 OF 2024

... RESPONDENT/COMPLAINANT
IN CRL OP(MD).5297/2024



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

WEB COPY

For Petitioner : M/S.K.DEVENDRAN, Advocate
(In CRL OP(MD).5240/2024)

For Petitioner : MR.S.MUNIYANDI, Advocate
(In CRL OP(MD).5890/2024)

For Petitioner : M/S.S.PRABHA, Advocate
(In CRL OP(MD).5297/2024)

For Respondent : MR.E.ANTONY SAHAYA PRABAHAR
(in all CRL OP's) Additional Public Prosecutor

PRAYER IN CRL OP(MD).5240/2024 :

FOR BAIL IN CRIME NO. 21 OF 2024 ON THE FILE OF THE RESPONDENT POLICE.

PRAYER IN CRL OP(MD). 5890/ 2024 :

FOR ANTICIPATORY BAIL IN CRIME NO.21/2024 ON THE FILE OF THE RESPONDENT POLICE.

PRAYER IN CRL OP(MD).5297/2024 :

FOR ANTICIPATORY BAIL IN CRIME NO.54 OF 2024 ON THE FILE OF THE RESPONDENT POLICE.

COMMON ORDER : The Court Made the following order :-

The petitioners in Crl.OP(MD)Nos.5240 and 5890 of 2024 are accused in crime

No.21 of 2024 on the file of the Amathur Police Station, Virudhunagar District, which

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

is registered for the offence under Sections 286 and 304(ii) IPC and Section 3 of the Explosive Substances Act. The petitioner in Crl OP(MD)No.5240 of 2024 was arrested on 25.02.2024 and he has filed this petition seeking bail. The petitioner in CrlOP (MD)No.5890 of 2024 has filed this petition seeking anticipatory bail.

2.While this Court dealing with these cases, yet another petition in CrIOP(MD) No.5297 of 2024 has been filed by accused in Crime No.54 of 2024 on the file of the Vembakottai Police Station, which is registered for the offence under Sections 286 and 337 IPC and Section 9(B)(1)(a) of Indian Explosives Act.

3.Since the issue in all these cases are similar, they are clubbed and heard together.

4.All these three petitions are relating to the accidents occurred due to the explosive substances used by the unlicensed cracker manufacturing units. The case in Crime No.21 of 2024 on the file of the Amathur Police Station is that the accident has taken place on 27.01.2024 at Vellur Village and on the complaint of the Village Administrative Officer, a case is registered and the accused has been arrested. The case in Crime No.54 of 2024 on the file of the Vembakottai Police Station is that while



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

preparing crackers in a house in Thayilpatti accident occurred and a woman has sustained multiple injury

5.The case of the prosecution in Crime No.21 of 2024 is that on the information from the Village Assistant, the Village Administrative Officer has lodged a complaint before the Amathur Police Station reporting the accident. According to the complainant, the accused were illegally manufacturing crackers by putting up a shed without any licence and without adopting any safety measures. In this accident one Kannan, S/o.Vellappan died.

6.The case of the prosecution in Crime No.54 of 2024 on the file of the Vembakottai Police Station is that the accused was preparing crackers in their house at Thayilpatti village without any licence. On 11.03.2024 at about 6.15 pm an accident occurred in which the 2nd accused Vijayalakshmi is said to have sustained several burn injuries.

7.The common factor involved in these cases is illegal cracker manufacturing units functioning at Vellur and Thayilpatti villages in Sivakasi Taluk. In these two accidents in the unlicensed cracker manufacturing units, one person lost his life and



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

one woman sustained multiple injuries.

8.The complaints in both these cases have been lodged by the respective Village Administrative Officers. The Village Administrative Officers have lodged the complaints only after the accident had occurred. The Village Administrative Officer must reside where he is appointed as per the letter of the Principal Secretary / the Commissioner of Revenue Administration dated 15.06.2021 in Letter No.Ser.5(1)/31235/2011. The complaint of the Village Administrative Officer in Crime No.21 of 2024 discloses that she was not residing in the particular village. On receiving the information from the village assistant about the accident, she went to the place of occurrence and subsequently lodged the complaint. There is a considerable delay in lodging the complaint.

9.Be that as it may, this Court is surprised as to how these unlicensed cracker manufacturing units are functioning, wherein explosives are used without any valid licence without the knowledge of the VAO and the Police. The chemicals and the explosives used in these illegal cracker manufacturing units, can also be misused for producing country made bombs and other explosives, which endangers not only to the human being but also detrimental to the society. Though these unlicensed cracker



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

manufacturing units are functioning, they were not identified by the respective Village Administrative Officers until the accident occurred, resulting in causing death and injuries.

10. In the accident in Crime No.21 of 2024 a person died. Therefore this Court has verified with the respondent Police as to the number of cases registered with respect to the accidents occurred in these unlicensed cracker manufacturing units. The Deputy Superintendent of Police, Virudhunagar Sub-Division, Virudhunagar District has filed a status report dated 16.04.2024 before this court. As per the report, 69 cases of fire accidents are reported in Virudhunagar District in the past five years, out of which, 12 cases relate to fire accidents reported in unlicensed cracker manufacturing units. All these cases pertaining to unlicensed cracker manufacturing units were registered only after accidents have taken place. The contents of the FIR in Crime No.21 of 2024 itself disclose that the accused has put up a lengthy shed and was preparing fancy crackers without any licence. This Court is shocked to note such a cracker unit was functioning in a lengthy shed all these days without any licence and without the knowledge of the Village Administrative Officers and the Police concerned.



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

WEB COPY

11.This Court has also verified as to the source of explosives to these illegal cracker manufactures. The Deputy Superintendent of Police in her report states that out of 12 cases reported, they have identified the supplier of chemicals in 6 cases only. In other cases the investigating agency has not identified the source of chemicals to these illegal cracker manufacturers. The explosives cannot be sold simply in a casual manner without adhering to the Acts and Rules prevailing. Those who are selling the explosives are expected to have licence for doing the same. Registration of 12 cases in the past five years reveal that the explosives are used in Virudhunagar District without any order. The data shows that the number of cases in the year 2019 is 6, whereas it is 18 in the year 2023, it has been on the rise year by year.

12.The Village Administrative Officers and the Police are not taking sufficient steps to control these illegal cracker manufacturers. It appears that neither the District Administration nor the Police Administration in Virudhunagar District are taking any serious steps to prevent the illegal usage of explosive substances in Virudhunagar District.



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

WEB COPY

13.A reading of the FIR in Crime No.21 of 2024 of Amathur Police Station and the FIR in Crime No.54 of 2024 Vembakottai Police Station reveals that these illegal and unlicensed cracker manufacturing units are functioning with the connivance of the respective Village Administrative Officers. As per section 119 IPC, whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence which it is his duty as such public servant to prevent; voluntarily conceals by any act or omission or by the use of encryption or any other information hiding tool, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, is an offence and they have to be prosecuted accordingly.

14.It appears that the Deputy Superintendent of Police, Virudhunagar District, Sub Division has been appointed as a Nodal Officer by the Superintendent of Police, Virudhunagar District to deal with the cases registered in respect of the fire accidents in the cracker manufacturing units. This Court expects a proper and fair investigation report from the DSP concerned in these cases.

15.Considering the facts and circumstances of the case, this Court grants interim

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

bail to the petitioner in Crl OP(MD).5240 of 2024 and interim anticipatory bail to the petitioner in CrlOP(MD)Nos.5297 and 5890 of 2024 till 07.06.2024, enabling them to appear before the DSP, Virudhunagar Sub-Division/ Nodal officer, who is conducting the investigation in Crime Nos.21 and 54 of 2024.

16.The petitioner in CrlOP(MD)No.5240 of 2024 is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar; The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

17.All the petitioners shall appear before the investigating officer daily at 10.30 am and shall co-operate for the investigation.

18.The investigation officer shall find out whether the above said Village Administrative Officers are residing in their respecting villages, where they are appointed and their present residing address. She shall also find out the source of chemicals / explosives for these unlicensed cracker manufacturing units.



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

WEB COPY

Post on 07.06.2024.

sd/-
24/04/2024

/ TRUE COPY /

26/04/2024

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

dsk

TO

1.THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

5.THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT

6 THE OFFICER INCHARGE,
SUB JAIL,
VIRUDHUNAGAR.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD)Nos.5240, 5890 and 5297 of 2024

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

COPY TO

THE DEPUTY SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR SUB-DIVISION/ NODAL OFFICER,
VIRUDHUNAGAR.

+1 CC to M/s.A.MURUGANANDHA PRABU, Advocate (SR-4814[I] dated
24/04/2024)

+1 cc to MR.S.MUNIYANDI, Advocate SR NO.4896 DATED 25.04.2024

ORDER
IN

CRL OP(MD)Nos.5240, 5890
and 5297 of 2024
Date :24/04/2024

RK (26/04/2024) 11P / 11C

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