



CRL OP(MD). No.7085 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.05.2024

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

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Ramamoorthy

... Petitioners/ Accused No.4

Vs

The State through
The Inspector of Police,
Aviyur Police Station,
Virudhunagar District.
(Crime No.63 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.G.Mariappan, Advocate.

For Respondent : Mr.P.Kottai Chamy,

Government Advocate (Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.63 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/ A4, who apprehends arrest at the hands of the respondent police for



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the offences punishable offences under sections 286, 304(2) of I.P.C & Section 9(B)(1) (b) of Indian Explosives Act in Crime No.63 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 01.05.2024, at about 08.30 a.m, due to negligence in handling the explosive materials while loading and unloading from the vehicles bearing Reg.No.TN-76-Z-9644 and TN-76-U-6025, there was explosion near R.S.R.Cruisher, Kariappatti Taluk and three person were died on the spot itself. Thereby, the Law Enforcing Agency registered a case against the petitioner and others.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner/A4 is the son of A3 and also working as Supervisor in 'SSPR Traders'. A1 is the owner. A2 & A3 are the partners. The accident was took place at Survey No.100/2A of Kadambankulam village. The SSPR Traders is having license to distribute explosive materials in the shed located in the above said land. The deceased persons were also having blaster license & shot firer license and they were working for so many years and having good experience in the transportation of explosive materials. Hence, the above said accident was not



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happened either by the negligence of the deceased or by the negligence of the employer. He would further submit that the Deputy Superintendent of Police, Aruppukkottai conducted inspection and found that there is no excessive possession of explosive materials. He would further submit that the deceased families were already compensated with Rs.11,50,000/- each. He also enclosed a copy of the cheque leaves in typed set of papers to that effect. Hence, he prays to enlarge the petitioner on anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the State would submit that due to the vehicles, which were carrying electric detanator and explosive substance namely, Nitrate Mixture were parked side by side and the violation of safety rules in loading and unloading of the explosive materials, the above said accident was took place and three persons were died on the spot. He would further submit that now, the investigation is almost completed and statement of all the witnesses were recorded. The respondent police is awaited for postmortem report. Further, he fairly conceded that the deceased families were duly compensated with Rs.11,50,000/- each through cheques and the said amount has also been credited in

their account.

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5. Heard the learned counsel appearing for the petitioner and also the learned Additional Public Prosecutor appearing for the State.

6. Considering the fact that the deceased families were compensated by the owner of the SSPR Traders and taking note of the fact that the investigation is almost completed and taking into consideration that the arrested Accused Nos.1 and 3 were ordered to be released on bail by this Court as per the order passed in Crl.O.P.(MD) Nos.7082 and 7084 of 2024, dated 15.05.2024, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb

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impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar 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 orders.

[c]the petitioner shall not tamper with the 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 is 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 229-A IPC.

sd/-
15/05/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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DAS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
AVIYUR POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.G.MARIAPPAN, Advocate (SR-5435[I] dated 15/05/2024)

ORDER
IN

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Date :15/05/2024

PKP/VR/SAR /22.05.2024/ 6P/ 7C

Madurai Bench of Madras High Court is issuing certified
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