



CRL OP(MD). No.7141 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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S.Saravanan

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar.
(Crime No.237 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Gopala Krishna Lakshmana Raju
Senior Counsel
for Mr.C.Meenakshi Rama Prabhu, Advocate

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.237 of 2024 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

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the offences punishable under sections 286, 337, 338, 304(2) of I.P.C r.w Section 9(B)(1) (a) of Indian Explosives Act in Crime No.237 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 09.05.2024, at about 02.00 p.m, on information, the Village Administrative Officer went to Sri Sudhersan Fireworks and found that 10 persons were died and 14 persons were injured due to fire accident. Hence, the complaint.

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/A1 is the owner of the factory, A1 had leased it to A2 and A3 is a Foreman. He would further submit that the petitioner has already paid a sum of Rs.5,00,000/- as compensation and Rs.50,000/- for funeral expenses each to the deceased families. He would further submit that out of 14 injured persons, 11 persons were already discharged from hospital and 3 persons are still taking treatment in Virudhunagar Government Hospital.

4. The learned counsel for the petitioner would further submit that, due to a car



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accident, the petitioner / Accused No.1 sustained severe injuries. He submitted Medical Certificate of the petitioner stating that the petitioner is a case of D2,3 TRAUMATIC SPINAL CORD INJURY WITH PARAPLEGIA and he had fractures of both Femur and Right Ankle along with Multiple Rib Fractures and he had undergone Surgical Fixation of both Femur and Right Ankle. It would further submit that as on today, he still has Spastic Paraplegia with no Neurological Recovery and he has Fixed Flexion and Adduction deformity of both Hips, Fixed Flexion Deformity of Knees, Fixed deformity of both Ankles. Hence, he prays to enlarge the petitioner on anticipatory bail.

5. The learned counsel for the petitioner would submit that the petitioner undertakes to pay a suitable compensation to the injured persons and additional compensation to the families of deceased, on receipt of order from the authorities concerned.

6.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that 10 persons were died and 14 persons were injured due to fire accident and A2 & A3 were arrested on 10.05.2024 and the petitioner is bed ridden. Further he would submit that the factory management has paid Rs.5,50,000/-

to each families of the deceased and out of 14 injured, 11 were discharged from the



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hospital. The learned Government Advocate (Crl.Side) has not raised any serious objection.

7. Heard the learned counsel appearing for the petitioner and also the learned Government Advocate (Crl.Side) appearing for the respondent police.

8. Totally there are three accused in this case. A2 is lessee and A3 is foreman of the said factory and they are incharge of factory on the date of accident. A2 and A3 were arrested and all the documents were collected. Hence, custodial interrogation of the petitioner is not necessary. This petitioner already sustained injuries all over the body in a road accident and he is immobilized. Medical certificate of the petitioner shows that he may not have Neurological recovery in future and needs wheelchair for locomotion. Considering the above medical condition of the petitioner and considered the above facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9 . Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date

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of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivakasi, 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 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 weekly once on every Monday 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



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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.

GBG/BTR

TO

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



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+1 CC to M/s.MEENAKSHI RAMA PRABHU.C, Advocate (SR-5456[I] dated 16/05/2024)

ORDER
IN
CRL OP(MD) No.7141 of 2024
Date :15/05/2024

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

Madurai Bench of Madras High Court is issuing certified
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