



Crl.O.P.No.22318 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.22318 of 2025

Mahalingam

... Petitioner

Vs.

State rep by:-

The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
(Crime No.409 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioner on bail in Crime No.409 of 2025 on the file of the respondent police.

For Petitioners : Mr.V.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.07.2025 for the alleged offence under Sections 287, 105 of Bharatiya Nyaya Sanhita (BNS) Act 2023, r/w 3 and 5 of Explosive Substances Act, 1908, in Crime No.409 of 2025, on the file of respondent police, seeks bail.



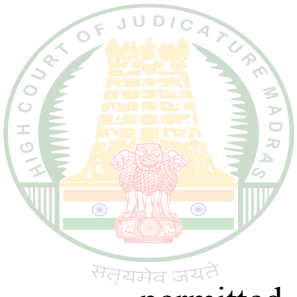
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2. The case of the prosecution is that on 30.07.2025, while taking the dead body in a funeral procession at Keelkuppam, Vellore, the complainant's husband was playing melam (drum). During the procession, crackers were burst nearby, and fire sparks fell on the crackers kept there, causing them to explode, in which the complainant's husband died and others were injured. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioner has been falsely implicated in this case, as if he were responsible for the alleged accident that occurred on that day. The fact reveals that, during a funeral procession, crackers were burst in an erratic manner, resulting in the death of three persons. The learned counsel further submitted that the petitioner was in possession of a valid licence. He also pointed out that the petitioner has been in incarceration from 30.07.2025. Hence, he seeks bail for the petitioner.

4. The learned Government Advocate (Crl. Side) raised objections, stating that the petitioner, arrayed as A4, was the person who sold the crackers without a valid licence. On a perusal of the records, it is seen that the petitioner's licence had expired on 31.03.2025. Until he obtains a valid licence, the petitioner is not



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permitted to sell the crackers. The respondent police are directed to conduct periodic inspections of the petitioner's unit.

5. Considering the fact that the incident occurred during a funeral procession, that all the parties involved were close relatives, that the petitioner was only a supplier of crackers, that the investigation is almost completed, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to **deposit a sum of Rs.1,50,000/- (Rupees One lakh Fifty thousand only) to the credit of crime No.409 of 2025**, on such deposit, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, **in which one surety must be a blood surety** for a like sum to the satisfaction of the *learned Judicial Magistrate No.II, Ulundurpet*, Kallakurichi 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 shall report before the respondent



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police on every Tuesday and Saturday at 10.30 a.m. for the period of three months.

(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 Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

(g) the petitioner shall deposit a sum of Rs.1,50,000/-, to the credit of Crime No.409 of 2025. Each of the deceased persons' family is entitled to receive Rs.50,000/-. The legal heirs of the deceased are permitted to withdraw the said amount in accordance with law.

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- 1.The Judicial Magistrate No.II, Ulundurpettai, Kallakurichi District.
- 2.The Inspector of Police,
Thirunavalur Police Station,
Kallakurichi District.
3. The Superintendent of Prison, Central Prison, Cuddalore.
- 4.The Public Prosecutor, High Court of Madras.

Note :-

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the Official Website of this Court will be watermarked and will also have a QR Code.

T.V.THAMILSELVI, J.

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