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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).3447 of 2025

Palanivel @ Bala

... Petitioner/ Accused No.6

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.807 of 2016)

... Respondent/Complainant

PRAYER :- The Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail to the petitioner in Crime No.807 of 2016 on the file of the respondent-police.

For Petitioner : Mr.Veera Raghul, Advocate
For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 20.02.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/ A6 was arrested on basis of the Non-Bailable Warrant issued against him and remanded to judicial custody on 07.11.2024. The petitioner is facing

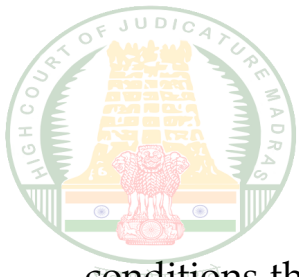


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trial before the learned Additional District and Sessions Judge, Srivilliputhur, in S.C.No.107 of 2017 for the alleged offences punishable under Sections 286, 337, 304(2) read with Section 9(B)(1)(A) of I.E. Act @ Sections 420, 326, 304(2) of IPC read with Section 109 and Sections 9(B)(1)(C), 9(B)(1)(b) of I.E. Act, in connection with Crime No.807 of 2016 on the file of the respondent-police.

3. The case of the prosecution is that on 20.10.2016, the accused persons, particularly the petitioner (A6) and A7, who were the driver and loadman at Sri Ragavendra Fire Cracker Company, acted negligently, causing a fire and explosion in the godown. As a result, eight persons in the nearby scan center died, and more than 15 persons were admitted to the hospital with injuries. Based on a complaint given by the Village Administrative Officer, an FIR was registered for the offences punishable under Sections 286, 337, 304(2) read with Section 9(B)(1)(A) of I.E. Act @ Sections 420, 326, 304(2) of IPC read with 109 and Sections 9(B)(1)(C), 9(B)(1)(b) of I.E. Act.

4. Mr.Veera Raghul, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been in judicial custody since 07.11.2024. He further submits that petitioner was regularly appearing before the Trial Court until 29.08.2024 and due to his illness, he could not appear on 29.08.2024. He, however, submits that the petitioner is ready to abide by any stringent



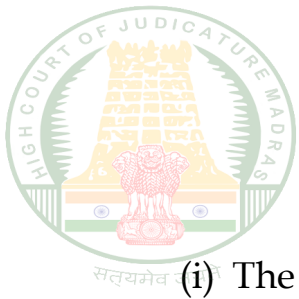
conditions that may be imposed by this Court. Accordingly, he prays to grant bail to the petitioner.

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5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioner has been arrayed as A6. He further submits that after investigation, charge sheet was filed before the learned Judicial Magistrate No.II, Sivakasi and it was taken on file as P.R.C. Case. The case was committed to the Principal District and Sessions Court in S.C.No.107 of 2017 and made it over to the Additional District and Sessions Court, Srivilliputtur (FAC) and the case is posted for hearing on 29.08.2024. He further submits that since the petitioner was absent on 29.08.2024, NBW was issued against the petitioner and the same was executed on 07.11.2024. He further submits that if a bail is granted to the petitioner, he may abscond and delay the trial proceedings. Therefore, he vehemently opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested and has been in incarceration since 07.11.2024. Considering the facts and circumstances of the case and also considering the fact that the petitioner has been regularly appearing before the Trial Court prior to the issuance of NBW, and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioner, however, subject to the following conditions:



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(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Sivakasi, on all working days at 10.30 a.m. until further orders.

(iv) The petitioner shall appear on all hearing dates before the learned Additional District and Sessions Judge, Srivilliputhur, when the Court requires his appearance.

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023.

(vi) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected.

(vii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



from disclosing such facts to the Court or to any police officer or tamper with the
evidence.

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(vii) The petitioner shall also not directly or indirectly, cause any threat to the defacto complainant and witnesses.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Sivakasi.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
26/02/2025

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26/02/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO
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1 THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR.

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

ORDER
IN

CRL OP(MD) No.3447 of 2025

Date :26/02/2025

RS/IT/SAR-(26.02.2025) 6P 6C
Madurai Bench of Madras High Court is issuing
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