



CRL.OP(MD).No.3691 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.3691 of 2025

Neerathilingam

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Maraneri Police Station,
Virudhunagar District.
(Crime No.58 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.58 of 2025 on the file of the respondent-police.

For Petitioner : Mr.M.Jegadeesh Pandian,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 288, 125(a) and 105 of BNS, 2023 and 9(B)(1) (a) of the Indian Explosive Act, 1884, in Crime No.58 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 19.02.2025 at about 19:45 hours, the respondent-police received a complaint from the defacto complainant. In the complaint, it is stated that the complainant was working as a labourer at Neerathilingam Fireworks, located at Anaiyur, Sivakasi, Virudhunagar District. On 19.02.2025 at about 08:00 A.M., while the workers were handling inflammable chemicals for manufacturing fancy variety crackers in one of the working sheds, a fire broke out due to suspected friction. The incident was immediately informed to the Fire and Rescue Services Department. In the occurrence, both Suresh and Palpandi sustained deep burn injuries. While being taken to the hospital, Suresh



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succumbed to his injuries, and Palpandi was referred to the Government Rajaji Hospital, Madurai, where he is currently undergoing treatment. It is further stated that the workers were allowed to handle the chemicals without any safety gear by Accused No.2 at the instance of Accused No.1.

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4. Mr.M.Jegadeesh Pandian, 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 falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the workers were allowed to handle the chemicals by A2 at the instance of A1 without providing safety equipment. He further submits that the petitioner is appeared before the respondent-police and co-operated with the investigation. He further submits that there are no previous cases against the petitioner. He however contends that if pre-arrest bail is granted to the petitioner, he may abscond and tamper with the



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evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of the offence allegedly committed by the petitioner and the fact that the petitioner is the first offender, this Court is of the view that custodial interrogation of the petitioner may not be required for the investigating agency. Further the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the cumulative facts and circumstances of the case and with a view to give an opportunity to the petitioner to reform himself, this Court does incline to grant an order of pre-arrest bail to the petitioner, however subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar , within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five



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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.I, Sivakasi, Virudhunagar.

(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.I, Sivakasi on all working days at 10.30 a.m. until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.



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

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, 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].



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

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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

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



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+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-4619[I] dated
23/04/2025)

ORDER
IN
CRL OP(MD) No.3691 of 2025
Date :21/04/2025

VN/15.05.2025 8P/6C

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