



CRL OP(MD). No.9088 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9088 of 2025

Muthusamy

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.333 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.S.Anandhakumar,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.333 of 2025 on the file of the Respondent Police.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9(B)(1)(a) of the Indian Explosives Act, 1884 in Crime No.333 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the 2nd accused runs a fireworks factory under the name and style of 'Sreenithi Fireworks'. The said factory had already been prohibited from manufacturing crackers. However, despite the prohibition, on 09.05.2025, when the de-facto complainant inspected the premises, it was found that one Muthukumar had taken the said factory on lease and that the accused were engaged in manufacturing crackers without obtaining any permission and without adhering to any safety measures. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution.

The petitioner has been implicated in this case solely based on the confession of the



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1st accused. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) submitted that the petitioner has been arrayed as A4 in this case. The petitioner and the 1st accused are partners, and seven bijili cracker packets were recovered. He further submitted that A1 was arrested and subsequently released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and taking note of the fact that the petitioner was arrayed as an accused solely based on the confession of the 1st accused, and that the date of occurrence is 09.05.2025 and that by now, most of the investigation would likely have been completed, and that the co-accused was arrested and subsequently released on bail, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

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



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receipt of a copy of this order, before the Judicial Magistrate No.2, Sivakasi, Virudhunagar District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the Judicial Magistrate No.2, Sivakasi, Virudhunagar District and on further conditions that:

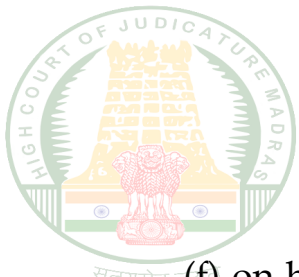
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.2, Sivakasi, Virudhunagar District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.2, Sivakasi, Virudhunagar District;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



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(f) 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 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]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
17/06/2025

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/07/2025

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

MKN

TO

1.THE JUDICIAL MAGISTRATE NO.2,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



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

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

+1 CC to M/s.S.ANANDHAKUMAR, Advocate (SR-6415[I] dated 17/06/2025)

ORDER
IN
CRL OP(MD) No.9088 of 2025
Date :17/06/2025

PR/01.07 .2025 6P/6C

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