



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11498 of 2016

1 VIVEK
2 DEIVENDRAN

... PETITIONERS/ACCUSED No.2 & 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI DISTRICT.
(IN CRIME NO. 296 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S SULTHAN BASHA, Advocate FOR AJMAL ASSOCIATES

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

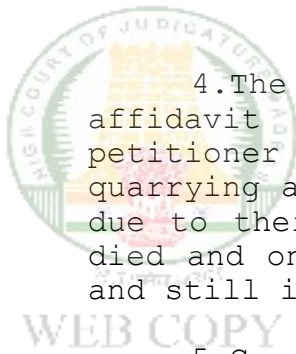
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 304(ii), 336 IPC and Sections 3 and 4(a) of Explosive Substance Act, 1908, in Crime No.296 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 07.07.2016, at 12.30 p.m., when the workers namely Senthil, Nallayan, Ramu @ Muthuramalingam, Sutharsan, Pitchai, Sundaraj, Mukkan, Poothi and others were working in the upper portion of the quarry in an insecure condition, a hole was drilled for the purpose of loading explosives. Due to that vibration occurred and therefore the rock crust drifted and slid downwards. At that time, except one Sutharsan, other workers namely Senthil, Nallayan, Ramu @ Muthuramalingam, who were working in a compressor of the upper portion of the rock, fell down from the height of 150 feet and they died on the spot. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners are only the labourers in the quarry run by A.1. It is only an accident due to Act of God and due to negligence on the part of the workers. The petitioners were not present at the time of accident. The first petitioner is an engineering graduate and the marriage for him is arranged and due to the incident, it has stopped. As an interim measure, the owner of the quarry, deposited Rs.1,00,000/- each in the accounts of the wives of the deceased and Rs.50,000/- to the account of the injured person.



4.The learned Government Advocate (Criminal side) filed a counter affidavit and submitted that without any proper safety measure, the petitioner and others were carried on quarrying operation and they were quarrying at the height of 150 feet without obtaining any permission and due to their illegal quarrying and their negligence, three persons were died and one person sustained injury. Further A.1 and A.4 were arrested and still in judicial custody. Investigation is pending.

5.Considering the nature of allegation and nature of accident, custodial interrogation of the petitioners is not required and therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vadipatti, on condition that each of the petitioners 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 learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii)the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii)the petitioners shall not abscond either during investigation or trial.
- (iv)On breach of any of the aforesaid conditions, the learned 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 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
19/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,VADIPATTI
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,MADURAI DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, ALANGANALLUR POLICE STATION,MADURAI DISTRICT.
- +1. CC to M/S AJMAL ASSOCIATES Advocate SR.No.37877.

ORDER
IN
CRL OP(MD) No.11498 of 2016
Date :19/07/2016