



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

Wednesday, the Third day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12735 of 2016

M.IBRAHIM GANI

... PETITIONER/ACCUSED

Vs

THE STATE REP,BY THE INSPECTOR OFPOLICE
THIRUPPAVANAM POLICE STATION
SIVAGANGAI DISTRICT.
CRIME NO.352 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.VEERA KATHIRAVAN SENIOR COUNSEL FOR
M/S.C.JEGANATHAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

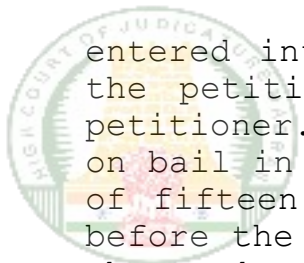
The petitioner, who is arrayed as accused apprehend arrest at the hands of the respondent police for an alleged offence punishable under Section 174 Cr.P.C @ Section 8 of Tamil Nadu Urban Local Bodies (Regulation and Monitoring of Swimming Pools) Act, 2015, in Crime No.352 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that two minor children aged about 7 years and 3 years respectively have gone to the Swimming Pool , situated in the place of the petitioner's house and they fell and died in the swimming pool. On complaint, case has been registered against the petitioner.

3. The learned Senior Counsel for the petitioner submitted that the house of the children is situated 2 Kilometres away from the house of the petitioner. Without the knowledge of the petitioner the children entered into the house of the petitioner and fell into swimming pool and accidentally died. He further submitted that the petitioner is not responsible for the accident and he is innocent and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) filed counter and submitted that the petitioner has constructed swimming pool without permission and due to the negligence on the petitioner, the accident has occurred and the petitioner is only responsible for the death of the children and the investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the house of the children is two kilometres away from the petitioner's house and that the children



entered into the house of the petitioner without the knowledge of the petitioner, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

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 petitioner is complying with the condition or not.

sd/-

03/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE, THIRUPPAVANAM POLICE STATION
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.JEGANATHAN Advocate SR.No.41777

trp

JA-KBM-SAR-I/11.08.2016/2P:6C