



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13435 of 2016

1 SEKAR

2 POOVENDRAN

... PETITIONERS/ACCUSED 1 & 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALANGANALLUR POLICE STATION,
MADURAI, MADURAI DISTRICT.
CR.NO.296/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S AJMAL KHAN Senior Counsel for
AJMAL ASSOCIATES,

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

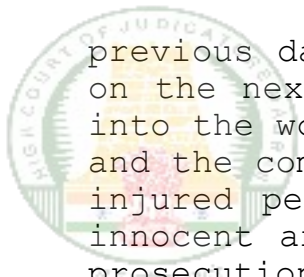
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners are arrayed as Accused Nos.1 & 4, who were arrested and remanded to judicial custody on 07.07.2016 for the alleged offences punishable under Sections 304(2) and 336 IPC and Sections 3 and 4(a) of Tamil Nadu Explosive Substances Act, in Crime No.296 of 2016, on the file of the respondent police and hence, seek 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, at that time, a hole was drilled for the purpose of loading explosives. Due to that, vibration occurred and therefore, the rock crust drifted and slided 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 the petitioners were not present in the place of occurrence. The first petitioner is the owner of the quarry and the second petitioner is the supervisor of the above said quarry. One Veeramani, who had blasted the rocks on



previous day did not inform about the quarry people about crack and on the next day, the workers without knowing the same had ventured into the work and at the time of drilling, the accident had occurred and the compensation has been paid to the family of the deceased and injured persons. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

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4.The learned Government Advocate (Criminal Side) submitted that the petitioners are the owner and supervisor of the quarry and without their knowledge, quarry operation cannot be carried out. As per their instruction only, quarrying work was done and the workers are quarrying without any proper safety measure 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 and the investigation is pending and raised serious objection for enlarging the petitioners on bail.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioners are owner and supervisor of the quarry and the workers were quarrying at the height of 150 feet without any proper safety measure caused death of three persons and one person injured and the contention of the learned Senior Counsel for the petitioners that the family members of the deceased and injured are compensated and other accused persons 2 and 3 were granted anticipatory bail by this Court in Crl.O.P(MD)No.11498 of 2016, dated 19.07.2016, does not advance the case of the petitioners, who are not similarly placed as that of co-accused and also considering the nature of allegation levelled against the petitioners, this Court is not inclined to enlarge the petitioners on bail. Accordingly, this Criminal Original Petition is dismissed.

sd/-

01/08/2016

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

TO

- 1 THE SUPERINTENDENT,CENTRAL PRISON,MADURAI.
- 2 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 3 THE INSPECTOR OF POLICE,ALANGANALLUR POLICE STATION, MADURAI, MADURAI DISTRICT.
- +1. CC to M/S AJMAL ASSOCIATES Advocate SR.No.40961.

ORDER

IN

CRL OP(MD) No.13435 of 2016

Date :01/08/2016