



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14583 of 2016

1 SEKAR

2 POOVENDRAN

... PETITIONER/ACCUSED NO.1 & 4

Vs

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

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.AJMALKHAN, Senior counsel for
AJMAL ASSOCIATES.

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

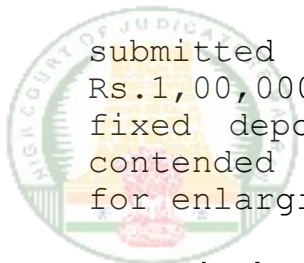
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners 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 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. Mr. Ajmalkhan, learned Senior Counsel appearing for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He further



submitted that the petitioners are going to give a sum of Rs.1,00,000/- each to the wives of the deceased, in addition to the fixed deposit already deposited by the petitioners. He further contended that major part of the investigation is over and prays for enlarging the petitioners on bail.

4.The learned Government Advocate (Criminal Side) submitted that this is the second bail petition and the earlier petition dismissed by this Court on 01.08.2016 in CrI.O.P(MD).No.13435 of 2016 and now, the investigation is completed and awaiting for report from AD Mines and Minerals Department.

7.Considering the contention of the learned Senior Counsel for the petitioners and that the petitioners are in judicial custody from 07.07.2016 and investigation is completed, this Court is inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail, subject to the following conditions:

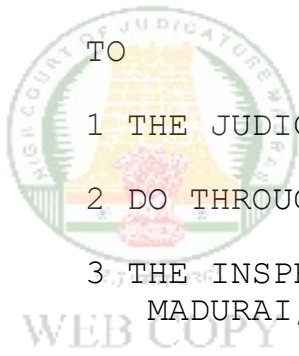
- (i) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti.
- (ii) the petitioners shall appear before the respondent Police daily at 10.00 am until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) 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 condition or not.

sd/-
12/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, ALANGANALLUR POLICE STATION,
MADURAI, MADURAI DISTRICT.

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

5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.44278

TRP

GJM/GSV-PM/SAR-III/12.08.2016 :3P/7C

ORDER

IN

CRL OP(MD) No.14583 of 2016

Date :12/08/2016