



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

Monday, the Twenty Second day of August Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.15352 of 2016

PONNUSAMY

... PETITIONER / SOLE ACCUSED

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE
THIRUPULLANI POLICE STATION,
RAMANATHPAURMA DISTRICT.
CR. NO.201/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.BOOPATHI PANDIYAN Advocate

For Respondent : Mr.P.KANNITHEVAN, Government 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, apprehends arrest at the hands of the respondent police for the offences punishable under Section 304 of IPC, in Crime No.201 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner employed four workers to dig out a irrigation well in his farm land. On 08.08.2016 while two workers standing in the upper land to pull up the dugout stands, two workers working at the bottom of well. During the Course, the land slide had been happened leading to burial of two workers alive died. On complaint, case has been registered for the above said offences.

3.It is submitted by the learned counsel for the petitioner that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is the employer of the workers and the workers were provided with safety acquirements and prays for granting anticipatory bail in favour of the petitioner.

4. The learned Government Advocate (Criminal side) submitted that the investigation of the case is pending.



5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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 No.I, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 petitioner shall report before the respondent Police daily at 10.30 am until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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 conditions or not.

sd/-
22/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.1, RAMANATHAPURAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT
- 3 THE SUB INSPECTOR OF POLICE
THIRUPULLANI POLICE STATION, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.BOOPATHI PANDIYAN Advocate SR.No.46254

ORDER IN
CRL OP(MD) No.15352 of 2016
Date :22/08/2016