



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20568 of 2018

PUSHPAM

... PETITIONERS / ACCUSED -3

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
ARUMANAI POLICE STATION,
KANYAKUMARI.
(IN CRIME NO. 84 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.C.HEROLD SINGH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

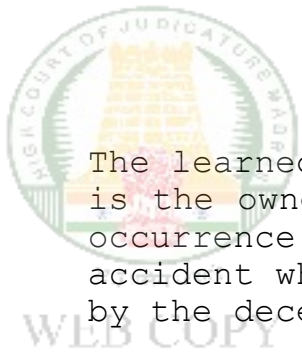
The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 @ 304(ii) of IPC which was later altered as Sections 4(1) and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.84 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner who is owning a piece of land for the purpose of putting up a compound. The petitioner's husband had called upon one Sam Daniel for excavating the earth around a rock. But the Sam Daniel had engaged by the Vijumon to carry out the work with the help of hitachi excavator. While he was carrying out the work, the rock accidentally rolled over the hitachi machine, in which, Vijumon was trapped inside the hitachi machine and sustained grievous injury and succumbed. Hence, the complaint.

3.The learned counsel for the petitioner would submit that during investigation, the respondent had deleted the name of the Sam daniel and had rearranged the accused as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>

A1-Dhas who is the husband of A3, A2-Senthil rajan and A3-Pushpam.



The learned counsel for the petitioner contended that the petitioner is the owner of the property and had nothing to do with the alleged occurrence. Further, she had no intention or knowledge for the said accident which had taken place during the course of work carried out by the deceased.

4.The learned Government Advocate (Crl.side) for the respondent police submitted that the investigation is completed and the charge sheet has been filed before the Judicial Magistrate No.I, Kulithurai which is taken on file as P.R.C.No.24 of 2018.

5.Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her 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, Kuzhithurai, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

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

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. I,
KULITHURAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

3. THE SUB INSPECTOR OF POLICE,
ARUMANAI POLICE STATION, KANYAKUMARI.

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

+1. CC to MR. S. C. HEROLD SINGH Advocate SR. No. 21837

ORDER

IN

CRL OP (MD) No. 20568 of 2018

Date : 19/11/2018

AE/PN/SAR2/22.11.2018/3P/6C