



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

Date : 21/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7877 of 2019

pandi,

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,,
Vellanur Police Station,
Pudukottai District.
In Crime No.75/2018.

... Respondent/Complainant

For Petitioner : M/s.D.Raemshkumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

PETITION FOR ANTICIPATOR BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in crime no.75/2018 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 304(A)
of IPC and Section 9(B) (1) (b) of Explosives Act, 1884, in Crime
No.75 of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has
submitted that A1 is the owner of the quarry and A2/petitioner is
the worker of A1 quarry. On 12.09.2018 due to heavy lightening,
some of the explosives which remained in the quarry blasted, due to
which three persons sustained injury and two persons namely Arumugam
and Palanivelu died. Arumugam is the family member of A1. Hence,
no compensation has been paid to his death. Compensation has paid to
remaining four persons namely 1.Shanmugam-Rs.30,000, 2.Sreenivasan-
Rs.20,000 3.Ganesan-Rs.1,00,000 and Palanivelu-Rs.5,00,000 totally
6,50,000/- Hence, he prayed for grant of anticipatory bail to the
petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent has submitted that investigation is still pending. Thus, he opposed this petition.

5. Taking into consideration the aforesaid facts that the owner of the quarry has settled the matter by giving compensation, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. 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 No.II, Pudukkottai, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/06/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. II,
PUDUKKOTTAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
VELLANUR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to MR. D. RAMESHKUMAR, Advocate (SR-10189[I] dated 21/06/2019)

ORDER

IN

CRL OP (MD) No. 7877 of 2019

Date : 21/06/2019

vsg

AE/JC/SAR-III (28.06.2019) 3P 6C