

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

Tuesday, the Thirtieth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.6462 of 2019

M.D.DHANAPAL

... PETITIONER /SOLE ACCUSED

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.116 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.UTHAYAKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 21.04.2019 for the offences punishable under Sections 174 I.P.C @ 304(ii) I.P.C, in Crime No.116 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of Chithra Pournami Festival at the petitioner's temple, the temple administration announced issuance of Pidikaasu to the devotees. The devotees gathered in the temple for getting Pidikaasu. While receiving Pidikaasu, due to stampede, 7 pilgrims died and 10 persons got injured. Hence, the present case.

3.The learned counsel for the petitioner would submit that petitioner did not commit any offence as alleged by the prosecution. In fact, he gave representation to the respondent police as well as the District Administrative Officer for appropriate arrangement for Chithra Pournami Festival in the temple. But, the respondent police did not give adequate police protection and therefore, the said untoward incident had occurred.

4.The learned counsel for the petitioner, on instructions, would further submit that the petitioner is willing and ready to pay a sum of Rs.10,00,000/- to each of the family of the deceased, by way of demand draft, within a period of two weeks after coming out on bail, without prejudice to his rights and contentions. In support of his submission, the learned counsel for the petitioner has also produced an affidavit obtained from the petitioner, who is lodged in Central Prison at Trichy, undertaking that the petitioner will pay a sum of Rs.10,00,000/- to each of the family of the deceased, by way of demand draft, within a period of two weeks after coming out on bail and therefore, he prayed for bail.

5.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that since the petitioner himself has come forward to pay a sum of Rs.10,00,000/- to each of the family of the deceased, by way of demand draft, his application for bail may be considered.

6.Considering the facts and circumstances of the case and also considering the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur, Trichy, and on further condition that:

(a) the petitioner is directed to produce Demand Drafts for a sum of Rs.10,00,000/- each, drawn in the name of one of the legal heirs of deceased, before the learned Judicial Magistrate, Thuraiyur, Trichy, within a period of two weeks, after coming out on bail and thereafter, the learned Magistrate is directed to hand over the said Demand Drafts to the family of the deceased/legal heirs of the deceased, after obtaining relevant proof, failing which, bail granted shall stand vacated automatically without further reference to this Court;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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(e) the petitioner shall not abscond either during

investigation or trial;

(f) 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]**; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-

30/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
4. THE SUPERINTENDENT,
CENTRAL PRISION, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.A.UTHAYAKUMAR Advocate SR.No.7871

ORDER

IN

CRL OP(MD) No.6462 of 2019

Date : 30/04/2019

das

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AE/PN/SAR-IV/ (02.05.2019) 3P 7C