

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10465 of 2020

Singaravel
S/o.Narayansamy

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Periyathatchur Police Station,
Villupuram District.
Crime No.42/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Crime No.42 of 2020, pending investigation on the file of the respondent Police.

For Petitioner : M/s.Om Sai Ram & S.T.Raja
For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 304(2) of IPC, in Crime No.42 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Rajendran is that his daughter had gone to work in the farm of Singaravelu who is the petitioner herein. Since, the Mahindra harvesting machine which was used for harvesting, was not handled properly, the daughter of the defacto complainant was struck by the harvesting machine and died on the spot. Based on the complaint, the case was registered under Section 304(2) IPC.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are relatives. The victim, had gone to the farm of the petitioner for work wherein, due to negligence of the driver in handling the harvesting machine, the incident had happened and that the petitioner was not even present at the scene of occurrence. He also submitted that even taking into consideration the allegations in the F.I.R., it is purely an accident

and that there is no intention or knowledge on the part of the petitioner to cause homicide. He would further submit since, the petitioner is also relative of the victim's family, the petitioner without prejudice to his contention and defence and also without prejudice to any other claim made by the defacto complainant, the petitioner is prepared to pay a sum of Rs.1,00,000/- as compensation to the defacto complainant.

4. The learned Additional Public Prosecutor submitted that the petitioner is the owner of the farm and he had used the harvesting machine and due to negligence in handling the harvesting machine, the defacto complainant's daughter sustained severe injuries while she was working in the farm and died on the spot. He further submitted that the investigating is pending. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, within 15 days from the date of receipt of the copy of the order, the petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) as compensation to the defacto complainant directly. On proof of such payment within 15 days of the receipt of the copy of the order the petitioner is ordered to be released on bail in the event of his arrest by the respondent police or on his appearance, within a period of fifteen days from lifting of lockdown or commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.2, Tindivanam, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] it is made clear that the amount of Rs.1,00,000/- paid by the petitioner is irrespective of any other claim made by the defacto complainant under any other existing law.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

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

[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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, TINDIVANAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PERIYATHATCHUR POLICE STATION,
VILLUPURAM DISTRICT

CC to M/S. OM SAI RAM Advocate on payment of necessary charges

CRL OP.10465/2020

RD 27/08/2020

Date :13/07/2020