

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16034 of 2020

K.Senthilnathan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Thirumurugan Poondi Police Station,
Tiruppur District.

Crime No.3214/2020. Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest by the respondent police pending investigation of the case in Crime No.3214 of 2020 on the file of the respondent police.

For Petitioners : Mr.A.Essakkiappan

For Respondent : Mr. M. Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences publishable under Sections 279, 337, 304(A) IPC @ 279, 337, 304(A) r/w 304(ii) of IPC in Crime No.3214 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that when he was working under the petitioner company, he along with his colleagues had been deputed to attend fencing work and that on 28.08.2020, the defacto complainant and other persons were travelling in a goods carrying vehicle bearing Registration No.TN 37 CV 8232 along with fencing materials. On the way, the tire of the van got burst, due to which, the vehicle got toppled and the defacto complainant and his colleagues sustained injuries and three persons died on the spot. Hence the

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner is the owner of the Fencing Industry and that the employees without his knowledge had taken the vehicle. At that time, the tire got burst, due to which, the vehicle got toppled. The defacto complainant and his colleagues sustained injuries and three persons died on the spot. He would further submit that the petitioner was not aware of the van being taken by the driver and the victim travelling in the vehicle. He would further submit that without prejudice to his contention, the petitioner had paid a sum of Rs.1,00,000/- each to the family of the deceased and also taken care of the medical expenses of the defacto complainant and other colleagues who sustained injuries in the accident. He would further submit that originally, the case was registered under Section 279, 337, 304(A) and the driver of the vehicle was arrested and he was let out on the station bail. Subsequently, the case was altered to 279, 337 304(A) r/w 304(ii) of IPC. He would further submit that the vehicle is also a new vehicle and the vehicle is having fitness certificate till 15.10.2020 and the Insurance is valid till 27.11.2020.

4. The learned Additional Public Prosecutor would vehemently oppose the contention by stating that the petitioner, who is the owner of the vehicle, had permitted his employees to travel in the goods carrying vehicle and the driver of the goods carrying vehicle had driven the vehicle in a rash and negligent manner and the tire got burst and the vehicle got toppled, due to which, 5 persons sustained injuries and three persons died on the spot. He would further submit that A1, who is the driver of the vehicle, was arrested and he was let out on the station bail.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioner has enclosed the details of the payment made by the petitioner to the family members of the deceased and also expenses paid to the hospital for treatment of the injured employees.

6. Heard the learned Counsels and perused FIR and other materials placed on record.

7. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Learned Judicial Magistrate-III, Tiruppur, 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] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

28/10/2020

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.III,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

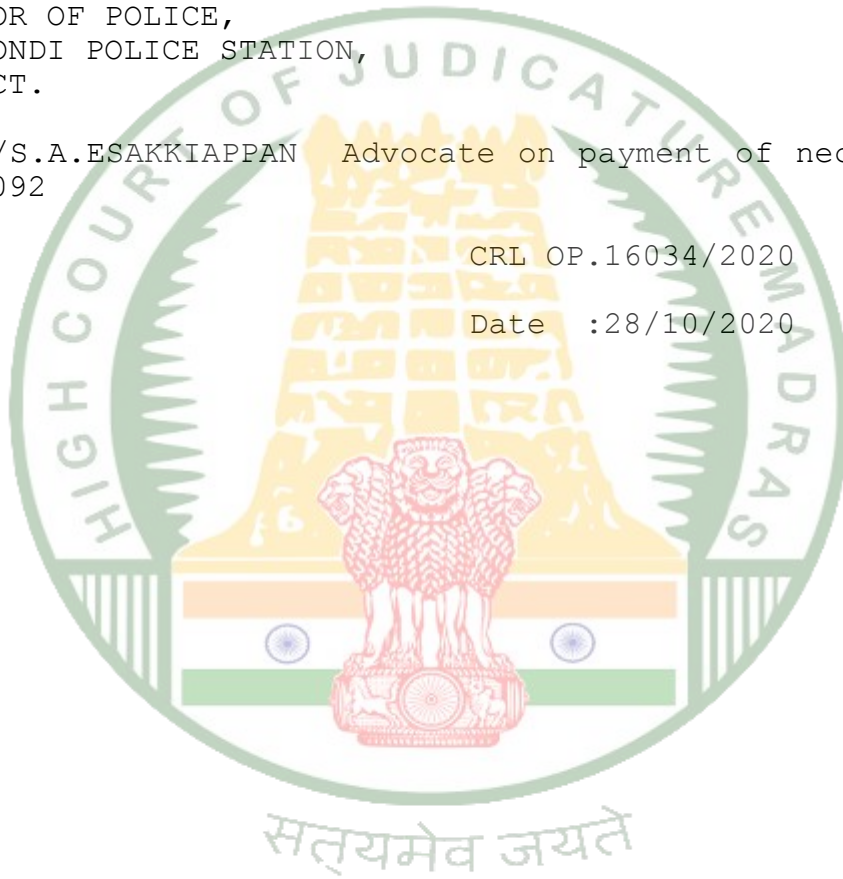
4 THE INSPECTOR OF POLICE,
THIRUMURUGAN POONDI POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.A.ESAKKIAPPAN Advocate on payment of necessary
charges SR NO.7092

CRL OP.16034/2020

Date :28/10/2020

MK:03/11/2020



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