



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

Date : 25/06/2020

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PRESENT

The Hon'ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6594 of 2020

K.Senthilnathan

... Petitioner/Accused No.1

Vs

The State rep. by,
The Inspector of Police,
Andipatti Police Station,
Theni District.
(In Crime.No. 693 of 2020).

... Respondent/Complainant

For Petitioner : M/s Lawrance,
Advocate.

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

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

PRAYER :-

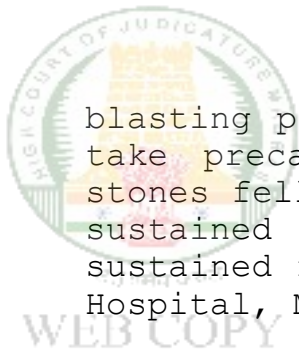
For Anticipatory Bail in Crime.No. 693 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 286,336,338 r/w.9-(B)(1)(a)(b) of the Explosives Act, 1884 @ 286,336,304(ii) of IPC r/w. 9-(B)(1)(a)(b) of the Explosives Act, 1884 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 13.06.20 the petitioner's workers have been carrying out the blasting works and during such blasting at about 6.00 P.M the stones started falling down due to blasting and the workers were informed about the blasting. At that time the defacto complainant and one Aandi who were also working as Watchman in the said temple went to the said



blasting place through the forest area to instruct the workers to take precaution measure during the blasting. At that time some stones fell down on the defacto complainant and Aandi and they both sustained injuries and admitted in the hospital. Since Aandi sustained major head injuries he was admitted in Rajaji Government Hospital, Madurai and he succumbed to injuries.

4. The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution. He would also submit that without noticing the work being carried out, the defacto complainant and one Aandi had entered the place occurrence. He would also submit that the petitioner has also paid a compensation of Rs.6,00,000/- to the wife of the deceased.

5. The learned Additional Public Prosecutor submitted that the petitioner is the authorised railway contractor and he is entrusted to work. He would also submit that the first accused/ petitioner herein has also paid Rs.6,00,000/- as compensation to the wife of the deceased.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner has paid a compensation of Rs.6,00,000/- to the wife of the deceased and have also enclosed the transaction documents, I am inclined to grant anticipatory bail to the petitioner with certain conditions:-

(i) Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Andipatti, and on his executing 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 learned Magistrate concerned;

(ii) The petitioner shall appear before the respondent police daily at 10.00 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(iii) 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;

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

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.



8. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
25/06/2020

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/ /2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
ANDIPATTI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6594 of 2020
Date :25/06/2020

AAV
SRS/ JC/ SAR-II/ 29.06.2020/ 3P/5C