



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

CRL.O.P (MD) .NO. 7557 OF 2020

Sridharan ... Petitioner/Petitioner/Accused No.4

Vs.

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

... Respondent/Respondent/Complainant

A.Lakshmi ... Petitioner/Intervener
in CrI MP(MD)No.3861 of 2020
in CRL OP(MD)No.7557 of 2020

For petitioner : Mr. J. Lawrance

For Respondent : Mr.V. Neelakandan
Additional Public Prosecutor

For Intervenor : Mr. C.M. Arumugam, Advocate

PETITION FOR ANTICIPATORY BAIL under Sec. 438 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, learned Additional Public Prosecutor appearing for the respondent and the learned counsel for the intervenor.

2. The petitioner apprehending the arrest at the hands of the respondent police for the offence punishable under Sections 286, 336, 338 IPC r/w. Section 9(B)(1)(a)(b) of the Explosives Act, 1884 altered into Sections 286, 336, 304(ii) of IPC r/w. Section 9-B(1)(a)(b) of the Explosives Act, 1884 in Crime No.693 of 2020 on the file of the respondent Police, seeks anticipatory bail.



3. The case of the prosecution is that the petitioner, who is arrayed as accused No.4 is said to have used unauthorized explosive substances to remove the rock, due to which, one person died.

4. The learned counsel appearing for the petitioner submitted that prime accused viz., A1 was already granted anticipatory bail by this Court in Crl.O.P(MD).No. 6594 of 2020, dated 25.06.2020. He would further submit that A1 has already paid a sum of Rs.6,00,000/- to the wife of the deceased as compensation.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that part of the investigation has already been completed.

6. Considering the facts and circumstances of the case and also considering the fact that A1 has already paid a sum of Rs.6,00,000/- to the victim family and that the substantial investigation is over, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

(i) Accordingly, the 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 pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the wife of the deceased under the Victim Compensation Act, instead of Rs.5,00,000/- as directed by this Court earlier vide order dated 26.06.2020 in Crl.O.P(MD).No. 6590 of 2020, within a period of two weeks.

(iii) 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.

(iv) On breach of any 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

(v) 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



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

sd/-
17/08/2020

WEB COPY

/ TRUE COPY /

/ /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 THRO' 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.7557 of 2020
Date :17/08/2020

TRP
AE/PN/SAR-III (17.08.2020) 3P 5C