



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8175 of 2020

Karthikeyan, ... Petitioner/Accused No.1

Vs

State rep by Inspector of Police,
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.835 of 2020). ... Respondent/Complainant

For Petitioner : Mr.P.Thilak Kumar,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.835 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 304(ii) of IPC, in Crime No.835 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the rice mill. The deceased was employed by one Karuppasamy to paint the rice mill. When the deceased was doing painting work, the roof of the building collapsed, due to which, the deceased fell down and sustained injuries and thereafter the deceased died. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.



3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that due to previous enmity, the petitioner has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the petitioner is the owner of the rice mill. The deceased was employed by one Karuppasamy to paint the rice mill. When the deceased was doing painting work, the roof of the building collapsed, due to which, the deceased fell down and sustained injuries and thereafter the deceased died. Hence, the crime has been registered against the petitioner.

6.Considering the facts and circumstances of the case and also considering the rival submission made on either side and on perusal of the records, it is seen that the petitioner is the owner of the rice mill and engaged a contractor for painting work and the deceased was employed by the contractor and he accidentally fell down from the roof and sustained injuries and thereafter died, considering the above circumstances and no other overt act attributed against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 as and when required for interrogation.

(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]; and;

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

sd/-
05/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg

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 No.II, Madurai.

2.Do Through

The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
Silaiman Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.8175 of 2020
Date : 05/08/2020

VB/SKN/SAR-II(12.08.2020) 3P 5C