

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10254 of 2021

Arjunan

... Petitioner

Vs

State Rep.by the Inspector of Police,
Kichipalayam Police Station,
Salem District.

(Crime No.292 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.292 of 2021 pending on the file of the respondent.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.05.2021 for the offence punishable under Sections 379, 338, 304(2), 286 of IPC and Section 3(a) of Explosive Substance Act 1908 in Crime No.292 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused is running quarry business. The deceased was being a worker under the petitioner. While being so, when the deceased was engaged for digging to break big stone, at that time, stone was blasted. Due to which, he sustained grievous injuries and died and another person also sustained injury.

3. The learned counsel for the petitioner would submit that due to the negligence on the part of the deceased, the stone was blasted and died. The petitioner was arrested and remanded to judicial custody on 26.05.2021. The petitioner is ready and willing to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the deceased family.

4. The learned Government Advocate (Crl. Side) would submit that there are totally 2 accused. The petitioner is arrayed as A1. The second accused without any license, supplied explosive substances to blast the stone. The first accused used explosives substance without any permission of licence and he engaged workers in the quarry to blast the stone. Due to which, while drilling the wholes in the rock, the explosive substances was blasted and two persons injured and one was dead. The investigation is still pending.

5. It is seen that there are totally two accused. The petitioner is arrayed as A1. The second accused supplied explosive substance to the first accused and the first accused has given explosive substance to his workers for breaking the stone in his quarry. While the workers were digging a pit to break open a big stone, the explosive substance was blasted. Due to which, two persons were injured, out of which, one died. In order to show his bonafide, the petitioner is ready and willing to compensate substantial amount to the deceased family.

6. Considering the above submission made by the learned counsel for the petitioner and also considering the period of incarceration, the petitioner is released on bail, subject to the following conditions ;

[a] The petitioner shall pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the deceased family directly by way of Demand Draft. On such deposit, the petitioner is ordered to be released on bail on condition that he shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen days from the lifting of lock down and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c] 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.

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

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

[g] the petitioner shall not abscond either during investigation or trial.

[h] 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].

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

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

-sd/-
11/06/2021

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.II,
SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KICHIPALAYAM POLICE STATION,
SALEM DISTRICT.

+1CC to M/S.B.VASUDEVAN Advocate on payment of necessary charges SR NO.6445

CRL OP.10254/2021

Date :11/06/2021

MK:14/06/2021