



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11257 of 2021

1.Fazlur Rahman
2.Fuzail Ahmed

... Petitioners

Vs.

State represented by
Inspector of Police,
Omerabad Police Station,
Vellore District,
Thiruppathur District.
Crime No.302 of 2021.

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.302 of 2021 pending on the file of the respondent.

For Petitioners : M/s.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section 304 (2) of I.P.C. in Cr.No.302 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the odour that came while cleaning the tank in the tannery company owned by the second petitioner, one person lost his life and two other persons took treatment in a hospital. The first petitioner is the Manager of the tannery company. The wife of the deceased is the defacto complainant.

3.The learned counsel appearing for the petitioners submitted that adequate compensation had already been paid by the second petitioner to the deceased family. The learned, on instructions, further submitted that the petitioners, without prejudice to their rights, are ready to deposit a sum of Rs.1 Lakh to the credit of the crime number and also conceded the same to be disbursed to the defacto complainant. However, the learned counsel submitted that



before disbursing the amount to the defacto complainant, an appropriate affidavit of undertaking shall be obtained from the defacto complainant.

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4. Heard the submissions made by the learned Government Advocate (Criminal Side).

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional District Munsif cum Judicial Magistrate, Ambur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a) the petitioners shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Cr.No.302 of 2021 before the learned Additional District Munsif cum Judicial Magistrate, Ambur. On such deposit being made, the learned Additional District Munsif cum Judicial Magistrate, Ambur, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioners succeeding the case, the amount of Rs.1 Lakh deposited by the petitioners will be returned to the petitioners and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.R. Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

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-sd/-
06/07/2021

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 ADDITIONAL DISTRICT
MUNSIF CUM, JUDICIAL MAGISTRATE, AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OMERABAD POLICE STATION,
VELLORE DISTRICT,
THIRUPPATHUR DISTRICT.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.7093

CRL OP.11257/2021

Date :06/07/2021

TA-16/07/2021