



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Tuesday, the Third day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13367 of 2021

NARAYANA

[ PETITIONER / ACCUSED ]

Vs

STATE BY

[ RESPONDENT ]

INSPECTOR OF POLICE,  
T-5, THIRUVERKADU POLICE STATION,  
CHENNAI-600 077.  
CR.NO.55 OF 2020.

For Petitioner : M/S.PRAVEEN ALEXANDER Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 304(A) of I.P.C and Sections 7, 8, 9 of the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act 2013, in Crime No.55 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the son of the defacto complainant had entered into an Annual Maintenance contract for treating of RO Plant and had volunteered to clean the septic tank of the school and during the said process a poisonous gas emancipated from the septic tank. due to which the son of the defacto complainant died. Hence, the law enforcing registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the school management had already paid a sum of Rs.10,00,000/- by way of DD to the victim family members on 14.02.2020. In addition to the above, it is submitted by the learned counsel for the petitioner that the petitioner without prejudiced his rights on their own volition would pay a further sum of Rs.5,00,000/- to the defacto complainant. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the son of the defacto complainant died when he was cleaning the septic tank in the school. Hence he opposed for grant of anticipatory bail to the petitioner.

WEB COPY

5. Considering the facts and the case and the fact that the petitioner had already paid a sum of Rs.10,00,000/- to the victim family and further the petitioner is willing to pay a further sum of Rs.5,00,000/- on their own volition to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on its appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Poonamalee, on condition that the petitioner shall execute 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 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 petitioner shall pay a sum of Rs.5,00,000/- in addition to the Rs.10,00,000/- already paid to the victim's family and produce the receipt of the same before the trial Court and submit the proof of payment of the said amount before the aforesaid learned Judicial Magistrate, who after perusing the challan/receipt/acknowledgement, shall accept the sureties furnished by the petitioner;

(b) the petitioner 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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 petitioners 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/-

03/08/2021

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, POONAMALEE

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
T-5, THIRUVERKADU POLICE STATION,  
CHENNAI-600 077.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S.PRAVEEN ALEXANDER Advocate on payment of necessary charges Sr.8047

CRL OP.13367/2021

Date :03/08/2021

RVR 23/08/2021