



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.22049 of 2021

Balaraman

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Gingee Police Station,
Villupuram District.
Crime No.748 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.748 of 2021 on the file of the respondent Police.

For petitioner : Mr.K.K.Muthuperumal

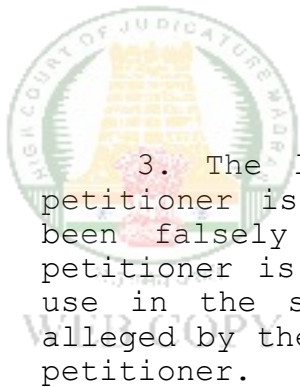
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody for the offence under Sections 286 and 304(II) of IPC, in Crime No.748 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that one Muruga Pandian is owned a stone quarry and used to carry out the quarry work by using explosives without any safety measures. While so, on 10.07.2021 at 5.45 p.m, while bursting the quarry stones by using explosives, the stones fell on the mother of the defacto complainant as a result, she died on spot. Hence, the complaint.



3. The learned Counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case. He would submit that the petitioner is only a supplier of explosives which are permissible to use in the stone quarry and he has not committed any offence as alleged by the prosecution. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that A1/the owner of the quarry is still absconding and all the other other accused were arrested and remanded to judicial custody.

5. It is seen that the petitioner is only a supplier of explosives. Considering the facts and circumstances of the case and that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail 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 Judicial Magistrate, Gingee, and on further conditions that:

(a) 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 on every Friday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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.



7. Further, as per FIR, the deceased died due to hitting of stones while the accused were breaking quarry stones by using explosives. Thereby, the accused have been charged for the offences under Sections 286 and 304(II) of IPC. On seeing the nature of death of the deceased, this Court recommends that it is a fit case to refer, as per 357(A) (1) (2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Thiruvannamalai District, is hereby directed to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) as interim compensation to the defacto complainant, in the manner known to law within a period of 6 weeks from the date of receipt of copy of this order.

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

-sd/-
22/11/2021

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,
GINGEE.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
GINGEE POLICE STATION,
VILLUPURAM DISTRICT,

4 THE OFFICER INCHARGE,
SUB JAIL, VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



1 THE CHAIRMAN
LEGAL SERVICE AUTHORITY,
THIRUVANNAMALAI DISTRICT

2 THE SECRETARY
LEGAL SERVICE AUTHORITY,
THIRUVANNAMALAI DISTRICT

3 THE LEGAL SERVICE AUTHORITY,
THIRUVANNAMALAI DISTRICT

4 THE SECRETARY,
TAMIL NADU LEGAL SERVICES
AUTHORITY HIGH COURT, MADRAS.

+1 CC to M/S.K.K.MUTHUPERUMAL Advocate on payment of necessary
charges SR.NO.13169

CRL OP.22049/2021

Date :22/11/2021

JPA 23/11/2021