



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14806 of 2021

H.Suresh Agarwal, ... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
Pooventhi, Sivagangai.
(Crime No.164 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Niranjana.S.Kumar,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

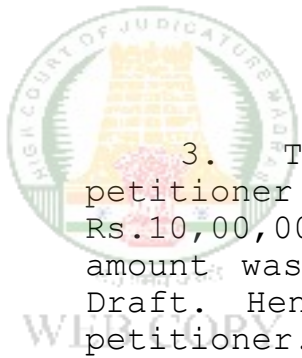
PRAYER :-

For Anticipatory Bail in Crime No.164 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of respondent Police, for the offence punishable under Sections 287, 337 and 304(ii) IPC, in Crime No.164 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the owner of Fine Export Company, which deals with buying and selling of granite stones. The defacto complainant's husband was working as a loadman under him. On 17.09.2021, when the defacto complainant's husband was loading the granite stones in a van, it fell down on the defacto complainant's husband, due to which, he sustained injuries on his hip and right side thigh and succumbed to the injuries. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner and his company came forward to pay compensation of Rs.10,00,000/- to the defacto complainant and the compensation amount was also paid to the defacto complainant by way a Demand Draft. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) also affirmed the submission made by the petitioner.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and *bona fide* step taken by the petitioner in paying the compensation of Rs.10,00,000/- to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed. The petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivagangai, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police as and when required for interrogation;

[c]the petitioner shall not tamper with the 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.

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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,
Sivagangai.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Pooventhi,
Sivagangai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.14806 of 2021
Date : 01/10/2021

TR/JC/SAR-IV(07.10.2021) 3P 5C