



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.619 2022

S.Asaithambi

.. Petitioner / A1

Vs.

State rep. by its
The Inspector of Police,
Dusi Police Station,
Thiruvannamalai District.
(Crime No.777 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.777 of 2021 on the file of the respondent police.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner who was arrested and remanded to judicial custody on 23.12.2021 for the offence under Section 304 (2) IPC in Crime No.777 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner was doing business of buying and selling plastic cans and the defacto complainant's son viz., Sugumar was working under the petitioner. While so, the petitioner directed the deceased/the defacto complainant's son to open some chemical plastic can and when he opened the same, he was affected with some poisonous gas and died. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he is no way connected with the death of the deceased and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration from 23.12.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised objection stating that the petitioner is the sole accused and since, the deceased was not provided with precautionary equipments, the incident had happened but admits that the investigation is almost completed.

5. 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.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner is directed to pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the defacto complainant within four weeks from the date of his release from prison with proper acknowledgement and on such acknowledgement, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Cheyyar, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall appear before the respondent police on every Wednesday at 10.30 a.m. until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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.

6. Considering the nature of death of the deceased and considering the family circumstances 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, Tiruvannamalai 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 4 weeks from the date of receipt of copy of this order.

-sd/-

12/01/2022

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,
CHEYYAR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE JAILER, SUB JAIL,
VANDAVASI

COPY TO:

1 THE CHAIRMAN,
LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI DISTRICT.

2 THE SECRETARY,
LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI DISTRICT.



3 THE LEGAL SERVICES AUTHORITY,
TIRUVANNAMALAI DISTRICT.

WEB COPY

CC to M/S. G.PUNNIAKOTI
charges

Advocate on payment of necessary

CRL OP.619/2022

Date :12/01/2022

RVR 19/01/2022