



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.1392 of 2022

Srinivasarao @ Vasu @ Polasani Srinivasarao .. Petitioner

Vs.

The State Rep by ...Respondent/complainant
The Inspector of Police,
Katpadi Railway Police Station,
Vellore District.
(Crime No.49 of 2021

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of his arrest in Cr.No.49 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 304 of IPC in Crime No.49 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, when the digging work was done by the defacto complainant along with her relatives, there was a chance of land slide and when the same was informed to the petitioner demanding safety measures and safety instrument from the contractor/petitioner, but, he refused to give the same. Due to a land slide, the defacto complainant's husband got struck with the pit and rubbish and died. Hence, the complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner is doing the railway contract work for southern railway and he further submitted that the above incident was happened due to the carelessness of the deceased. Further, he submitted that the petitioner has already paid a sum of Rs.4,00,000/- to the credit of the petitioners brother's account. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that while doing the railway contract work deceased got into the land slide and died.

5. On perusal of records it reveals that due to non availability of the bank account of the deceased wife, the petitioner deposit a sum of Rs. 4,00,000/- to credit of the deceased brother's bank account, for which, he enclosed the copy of the payment details.

6. On seeing the fact that the deceased leaving behind her wife and his two minor little children, on considering the future of the victim's family, this Court is inclined to give an interim compensation under Victim Compensation Scheme 357(A) (1) (2(5) of Cr.P.C to the defacto complainant, accordingly this Court is hereby recommends **Tamil Nadu State Legal Service Authority, Vellore District**, to pay compensation a sum of Rs.1,50,000/- [(Rupees One Lakh Fifty Thousand only) (Rs.50,000/- each)]] as interim compensation to the deceased wife and her two children as per manner known to law. The minor children are entitled to withdraw the said amount when they attain majority and they can utilize the interest amount get from the above said amount.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also the fact that the petitioner has already deposited a sum of Rs.4,00,000/- to the deceased brother's account, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate IV, Vellore District**, 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 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 as and when requires 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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/-
25/01/2022

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,
NO.IV, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATPADI RAILWAY POLICE STATION
VELLORE DISTRICT.



5 TAMIL NADU STATE LEGAL SERVICES AUTHORITY
VELLORE DISTRICT.

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

CC to M/S.D.BALAJI Advocate on payment of necessary charges

CRL OP.1392/2022

Date :25/01/2022

TA-14/02/2022