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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.2100 of 2022

Palani

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Katpadi Police Station,
Chennai Railways District.
CrimeNo.49 of 2021

... Respondent

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

For Petitioner : Mr. S.Senthil vel

For Respondent : Mr.N.S.Suganthan
Govt. Advocate (Cr1. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 304 of IPC of IPC, in Crime Number 49 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant along with her relatives are employed in the laying railway cable work under the contract of the petitioner herein. It is alleged that on 05.08.2021, while the defacto complainant and her relatives are involved in the digging work, there was a chance of land slide and when the same was informed to the petitioner demanding safety measures and safety instruments, the petitioner refused to give the same. Thereafter, they continued their digging work and suddenly due to a land slide, the husband of the defacto complainant got struck



with the pit and rubbish subsequently died and lost his life. Hence, the defacto complainant lodged a complaint against the petitioner before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the investigation almost completed and further submitted that co-accused released on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that the co-accused enlarged on bail, 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 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 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 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 on daily at 10.30.a.m., until further orders;

[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;

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-sd/-
01/02/2022

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-IV,
VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
CHENNAI RAILWAYS DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.2100/2022

Date :01/02/2022

CSK 15/02/2022