



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Twenty First day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN
CRIMINAL ORIGINAL PETITION No.14259 of 2022

N.JAYAPRIYA

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
F2, SIPCOT POLICE STATION,
TIRUVALLUR DISTRICT.
CR.NO.82 OF 2022.

[RESPONDENT]

For Petitioner : M/S.M.MOHAMED RIYAZ Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

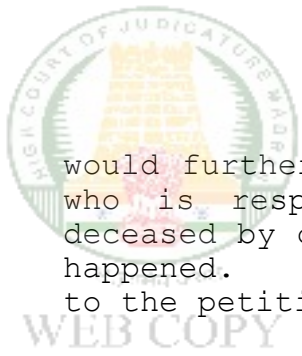
ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 304(ii) of IPC, in Crime No.82 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 13.04.2022, when the deceased was on catering service in JFN Thirumana Mandapam at Pethikuppam in a lift for loading food items, due to overload, the wire of the lift broke down and due to which the deceased was crushed by the iron rod in the lift and died on spot and another one, who was injured, also died on 24.05.2022. With this allegations, FIR was registered against the petitioner. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police filed counter and submitted that only due to the negligent administration and non-conforming the standard of lift operation, the accident happened. Further, without getting proper permission, the accused installed the lift in the marriage hall. He



would further submit that on the date of occurrence, the petitioner, who is responsible for the day to day activities, allowed the deceased by carrying the overload in the lift, therefore the accident happened. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. There are totally four accused, in which the marriage hall is owned by the petitioner and considered as A1. Even according to the case of the prosecution, due to overload of the goods in the lift, the wire was broke down and lift was dropped in the base. Due to the impact, two of the persons who travelled in the lift died and other persons sustained injuries. Even according to the case of the prosecution, due to mechanical fault, the lift fell down and due to which, two persons unfortunately died. The persons who were engaged for catering, they themselves operated the lift with huge quantity of food materials without the assistance of the Lift Operator. That apart, even according to the case of the prosecution, not on the part of the negligence, the accident took place. Further, absolutely there was no intention for the untoward incident happened on the date of occurrence. Therefore, the offence under Section 304(ii) of IPC would not attract as against the petitioner.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Gummudipondi, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 daily at 10.30 a.m, for a period of two weeks and thereafter as and when required 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/06/2022

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,
GUMMUDIPONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
F2, SIPCOT POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges Sr.9682

CRL OP.14259/2022

Date :21/06/2022

RVR 22/06/2022