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CrI.O.P.No.15279 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 304(2) of IPC, in Crime No.82 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 the well and in order to clean the same, through A1 she engaged the deceased. The deceased while getting into well, inhaled the poisonous gas emanated from the well and died on the spot. Hence, the complaint.

3. The learned counsel for the petitioner would submit that she only engaged A1, the deceased to clean the well. She was not aware of the fact that the poisonous gas found in the well and the deceased also without verifying the same, get into the well and died. He further submits that the petitioner has already been granted anticipatory bail by this Court in CrI.OP.No.4804 of 2021 dated 10.03.2021. However, due to Covid-19



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pandemic situation, the petitioner could not able to comply the earlier order passed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner engaged the deceased for cleaning the well, without informing him that the well was closed for a long time, the deceased get into the well and inhaled the poisonous gas. He submitted that the main accused A1 was arrested and released on bail and investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and the fact that A1 engaged the deceased to clean the well and without knowing the fact, the deceased get into the well and inhaled the poisonous gas and died, further A1 was arrested and released on bail and



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the investigation is also almost completed, 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate No.2, Poonamallee, 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 as and when required for interrogation.



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[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.

7. With the above directions, this Criminal Original Petition is ordered.

04.07.2022



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