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Crl.O.P.No.25433 of 2022

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A.D.JAGADISH CHANDIRA, J.

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 304 (2) of IPC in Crime No.419 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused are the owner and Manager of the quarry. Further, the allegation is that due to negligence and inappropriate handling, the *de-facto* complainant's father have sustained injuries and died in the quarry. Hence, the complaint.

3. The learned counsel for the petitioners would submit that petitioners are respectively the owner and Manager of the quarry. Due to negligence of the *de-facto* complainant's father, the incident had happened. He would further submit that the petitioners are not responsible for the death of the petitioner, however, without prejudice, the petitioners had already paid an amount of Rs.6,50,000/- to the legal



Crl.O.P.No.25433 of 2022

WEB COPY

heir of the deceased. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are respectively the owner and Manager of the quarry. They have not taken proper care of the safety measures resulting in the death of the *de-facto* complainant's father. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-, Arani, Tiruvannamalai Dt**, on condition



Crl.O.P.No.25433 of 2022

WEB COPY

that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Saturday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.



WEB COPY



Crl.O.P.No.25433 of 2022

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mpl

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

01.11.2022

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Crl.O.P.No.25433 of 2022