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Crl.O.P.No.25404 of 2022

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A.D.JAGADISH CHANDIRA, 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.222 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de-facto* complainant one Manikandan is that he along with ten others were engaged by the A1, who is an engineer, for doing construction of boundary wall. While being so, on 09.10.2022, when the construction work was going on, the labourers informed the A1 that there was a possibility of landslide and they requested to stop the work. Whereas, the A1 asked the *de-facto* complainant and others to continue the work. Due to which, there was a landslide and two other employees namely one Settu and Vellu were covered under the debris and they passed away in the land. Thereby, he requested the respondent to take action against the accused for the negligent activity. Hence, the case.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property and she is an innocent person residing at Chennai. She has handed over the contract to A1 who has acted in a negligent manner resulting in the land slide and death of two persons. He would further submit that the petitioner being the owner of the property, without prejudice to her rights and defence, she is ready and willing to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) (out of which legal heirs of each of the deceased shall be paid Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only)) to the credit of crime No.222 of 2022. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that the accused has conducted the work in a negligent manner, without proper safety measures which resulted in landslide and two victims have died in the said occurrence by submerging in the sand. He would further submit that the investigation is pending. Hence, he opposed for grant of



anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and taking into account that the petitioner is ready and willing to pay a sum of Rs.1,50,000/- to the legal heirs of each of the deceased, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.222 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Ooty on condition that the petitioner shall execute a 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



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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 deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of Crime No.222 of 2022, within a period of two weeks from the date of receipt of a copy of this order.

[c] in respect of the said deposit the learned Magistrate shall summon the legal heirs of the deceased and disburse Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the legal heirs of each of the deceased.

[d] the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.



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[g] 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]**.

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

31.10.2022

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