



Crl.O.P.No.28359 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 Sections 304(2), 308 and 283 of IPC, in Crime No.355 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the *de-facto* complainant Saravanan is that the accused are owners and tenants of a building near Chinnakadai Mariyamman Koil opposite to Novelty hotel and they have not properly maintained the building. Due to which, on 04.11.2022 the building came down crumbling and in the fall of the debris, 4 persons were injured. They were taken to the hospital where two person succumbed to death. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are owners of the building. The ground floor of the building



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is let out to 10 shops and the 1st floor is a residential portion. The building is 120 years old and was in a bad condition. The petitioners being the owners of the building, during 2014 have applied to the Corporation and got a certificate to the effect that the building had become very old and dilapidated condition and got an Order for demolishing the building. Subsequently, they have also requested the tenants to vacate the premises, whereas the tenants failed to vacate the premises and in turn, the petitioners have filed RCOP.No.319 of 2010 and connected matters before the XVth Court of Small Causes, Chennai for eviction and obtained an Order for eviction against the tenants. The Rent Control Court holding that the petitioners' building is in a dilapidated condition had directed the tenants to vacate the premises by an Order dated 31.08.2017. However, the tenants had filed R.C.A and obtained stay and the R.C.A is pending. During such time, the incident had happened. He would submit that the petitioners being the owners of the property had taken every endeavour to clear the premises and to demolish the building, whereas due to the R.C.A filed by the tenants, the matter was pending. He would further submit that the petitioners are



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innocent and without prejudice to their defence, the petitioners are ready and willing to make a payment of Rs.2,00,000/- each to the credit of Crime No.355 of 2022 and they have no objection in the amount of Rs.3,00,000/- being disbursed to legal heirs of each of the deceased and he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are the owners of the property located near Chinnakadai Mariyamman Koil opposite to Novelty hotel and they have not maintained building properly. Due to which, the building came down crumbling, resulting in the debris falling on the passers by and caused death of 2 persons and 2 persons were injured. The nature of the injuries caused to the 2 injured persons are simple in nature. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and taking into account that each of the petitioners is ready and willing to pay a sum



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of Rs.2,00,000/- to the credit of Crime No.355 of 2022, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, each of the petitioners is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.355 of 2022, within a period of two weeks from the date on which the order copy made ready, and on such deposit, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the **learned VIII-Metropolitan Magistrate George Town, Chennai**, on condition 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



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] each of the petitioners is directed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.355 of 2022, within a period of two weeks from the date on which the order copy made ready.

[c] in respect of the said deposit made, the learned Magistrate concerned shall issue notice to the legal heirs of the deceased through the respondent police and disburse Rs.3,00,000/-(Rupees Three Lakhs Only) to the legal heirs of each of the deceased.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

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

[f] the petitioners 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 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]**.

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

24.11.2022

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