



WEB COPY



Crl.O.P.No.30573 of 2022

Crl.O.P.No.30573 of 2022

T.V.THAMILSELVI, J.

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 304 (2), 308 and 283 of IPC in Crime No.355 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is the petitioner is a tenant in an immovable property at Sowcarpet, Chennai. Due to heavy rain the building got collapsed and fallen down. Hence the tenants were instructed to vacate the premises by the respondent police. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to collapse of the building two persons died and hence the tenants were instructed to vacate the premises, but they refused to do so. This petitioner is one of the tenant in the said



Crl.O.P.No.30573 of 2022

WEB COPY premises.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned VIIIth Metropolitan Magistrate, George Town, Chennai, 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 is directed to report before the respondent police on every Wednesday at 10.30 a.m. for a period of six weeks and thereafter as and when required for interrogation.

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



Crl.O.P.No.30573 of 2022

WEB COPY

[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.

13.12.2022

dpq



WEB COPY



Crl.O.P.No.30573 of 2022

T.V.THAMILSELVI, J.

dpq

Crl.O.P.No.30573 of 2022

13.12.2022