



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.02.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.608 of 2022

S.Jeyaseelan

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
B1 Town Police Station,
Ramanathapuram, Ramnad District.
(Crime No.166 of 2020)

... Respondent/Complainant

For Petitioner : Mr.V.Kannadasan,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.166 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 Cr.P.C and altered into Sections 304 and 337 of IPC, in Crime No.166 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.05.2020, when the defacto complainant's son aged about 5 years playing in a Church adjacent to the compound wall of neighbor one Karumalayan collapsed due to rainfall, and due to that impact, two children and a woman, who stayed in the Church sustained injuries. Thereafter, the son of the defacto complainant aged five years died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a Pastor and managing a church Apostil Theerka Dharisana Jeba Koodam and that he was not present at the time of alleged occurrence and he was in Chennai at that time. He would further submit that the compound wall belonging to Karumalayan had collapsed and that was the reason for the accident.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the said wall, which got collapsed, was belonging to the Church.



5.Considering the facts and circumstances of the case and also the facts that the incident was occurred in the year 2020, that the investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and that the petitioner is not having any bad antecedents, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, Ramnad District, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioner shall not tamper with the 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 229-A IPC.

sd/-
22/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM, RAMNAD DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
B1, TOWN POLICE STATION, RAMANATHAPURAM,
RAMNAD DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.608 of 2022

Date :22/02/2022

SS/VR/SAR-II/28.02.2022 : 3P/5C