



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Dated: 30/06/2022
PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)Nos.11459 and 11460 of 2022

Jebasingh Raja

... Petitioner/Accused No.4
in Crl.OP(MD)No.11459 of 2022

Sankara Narayanan @ Sankaran

... Petitioner/Accused No.3
in Crl.OP(MD)No.11460 of 2022

Vs.

The State rep. By
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.
(Crime No.128 of 2022)

... Respondent/Complainant
in both Petitions

IN BOTH PETITIONS:

For Petitioners : Mr.S.SATHYA CHIDAMBARAM

For Respondent : Mr.B.THANGA ARAVINDH

Government Advocate (Criminal side)

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C

PRAYER :- For Bail in Crime No.128 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A3 & A4 were arrested, on 16/05/2022 and remanded to judicial custody for the alleged offences punishable under sections 336, 304 and 304(A) IPC in Crime No.128 of 2022 on the file of the respondent police, seek bail, respectively.

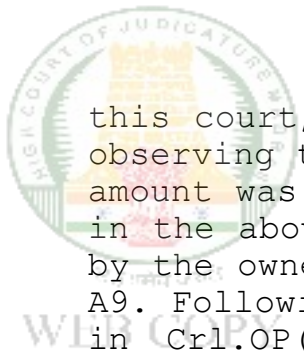
2.The case of the prosecution is that on 14/05/2022 at about 11.00 pm, the de-facto complainant and his colleagues were engaged in quarry operation in the property, which belongs to the father of A1. At that time, a large stone was moved and rolled into the pit. Due to which, the de-facto complainant and others trapped under the stone and some of the persons died. Hence, the case.

3.Heard both sides.

Crl.OP(MD)No.11459 of 2022:-

4.The petitioner in Crl.OP(MD)No.11459 of 2022 was arrayed as

A4. By a detailed order, dated 17/06/2022, the Coordinate Bench of
<https://hcservices.ecourts.gov.in/hcservices/>



this court, in Crl.OP(MD)No.10212 of 2022 has granted bail to A9 by observing that in respect of the above said occurrence, compensation amount was paid to the injured persons as well as to the intervenor in the above said petition. Total amount of Rs.15,00,000/- was paid by the owner of the quarry. So, on that ground, bail was granted to A9. Following the same order, this court has also granted bail to A1 in Crl.OP(MD)No.11019 of 2022, dated 22/06/2022. There is some disturbing feature I.e., who is the owner of the quarry and to whom the licence was issued and who became the sub-lessee, because the licence is person specific. The licence cannot be assigned to any other person by the licence holder.

5.It appears that some sort of mal-practice took place in this matter. As mentioned in the earlier order, the case must be thoroughly investigated by the Investigating Officer to unearth all the truth. But however, considering the fact that the co-accused has been granted bail by this court, considering the duration of the custody, this court is inclined to grant bail to the petitioner in Crl.OP(MD)No.11459 of 2022/A4, even though it is contended by the petitioner in Crl.OP(MD)No.11459 of 2022 /A4 that he is only a Supervisor and noway responsible in the quarry operation. But the Supervisor is the main person for the day today quarry operation. Even though the said contention cannot be accepted, but however, the reasons stated above, the petitioner in Crl.OP(MD)No.11459 of 2022/A4 is enlarged on bail with certain conditions. Accordingly, the petitioner in Crl.OP(MD)No.11459 of 2022/A4 is ordered to be released on bail on his executing 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 Judicial Magistrate No.V, Tirunelveli District and on further condition that the petitioner/A4 shall report before the respondent police daily at 10.30 am until further orders.

Crl.OP(MD)No.11460 of 2022:-

6.The petitioner/A3 in Crl.OP(MD)No.11460 of 2022, as stated above, is the licence holder of the quarry. It is further contended that he is aged about 82 year and ever-since from the date of arrest, he is in custody. As mentioned earlier, how this petitioner/A3 was assigned with quarry licence is a matter for investigation.

7.So without going into other aspects, in view of granting bail to the co-accused and considering the duration of the custody of the petitioner Crl.OP(MD)No.11460 of 2022/A3 and no bad antecedent is reported against him, this court is inclined to grant bail to the petitioner in Crl.OP(MD)No.11460 of 2022/A3 with certain conditions. Accordingly, the petitioner in Crl.OP(MD)No.11460 of 2022/A3 is ordered to be released on bail on his executing 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 Judicial Magistrate No.V,



Tirunelveli District and on further condition that the petitioner/A3 shall report before the respondent police daily at 10.30 am until further orders.

sd/-
30/06/2022

/ TRUE COPY /

WEB COPY

30/06/2022

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

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.V, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.SATHYA CHIDAMBARAM S Advocate SR.No.6408 & 6409

ORDER

IN

Crl.OP(MD)Nos.11459 and
11460 of 2022
Date :30/06/2022

SA/PN/SAR.4/30.06.2022/3P/8C