



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.15885 of 2022

Veerappan

... Petitioner/1st Accused

Vs

The State Rep. By,
The Inspector of Police,
Kallal Police Station,
Sivagangai District.
Crime No. 120 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Ranjitha.R, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 120 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 288 and 304(2) IPC in Crime No.120 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that he was doing the demolition work for old houses. The petitioner informed that the property, which belongs to one Arul Thainas, requires services for demolishing the same. So, on that ground, the defacto complainant engaged several persons and during the course of the aforesaid work, accidentally, the eastern side wall fell down, as a result of which two persons got injured. They were taken to the hospital, where one of the persons died and another person got admitted in the hospital.

3.The learned counsel for the petitioner would submit that nowhere in the complaint or during the course of investigation, it has been stated that only this petitioner arranged the aforesaid persons and without proper safety measures engaged them for demolishing the house. Only the defacto complainant, who is the contractor, has to take the responsibility, so also the owner of the house. The petitioner is only informed the contractor about the services that are required by the owner.



4.Considering the role that has been played by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Karaikudi, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
02/09/2022

/ TRUE COPY /

/09/2022

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, KARAIKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE, KALLAL POLICE STATION, SIVAGANGAL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RANJITHA, Advocate (SR-9638[I] dated 05/09/2022)

ORDER
IN
CRL OP(MD) No.15885 of 2022
Date :02/09/2022

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<https://www.csbj.in/csr-II/13.09.2022/2P/6C>