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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18977 of 2022

Sethuraman

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
in Crime No.170/2019.

... Respondent/Complainant

For Petitioner : M/s.Sridharan M,
Advocate.

For Respondent : Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.170/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 174 of Cr.P.C @ Section 304(2) of IPC, in Crime No.170 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the Tharani Associate. One Arjunan S/o.Kannikumar worked under a contract labour in the said company. The company developed the work in the Karaikudi Municipality for maintenance of street lights and the company has not given any safety apparatus to the said Arjunan. Hence, he met with an accident by electric shock on 07.06.2019 and died on the same day. Hence, the present complaint.



3.The learned counsel for the petitioner would submit the petitioner's company has already provided the safety apparatus to all other employees and the petitioner has failed to bring the safety apparatus to that time. Unfortunately, he met with an accident by electric shock and died on the same day. He would further submit that the investigation in this case has already been completed. The petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submit that the investigation in this case has been completed and the charge sheet has also been filed before the learned Judicial Magistrate, Karaikudi and the same was taken on file in C.C.No.138 of 2022.

5.Considering the facts and circumstances of the case and also considering the facts that investigation has been completed and the charge sheet has also been filed before the learned Judicial Magistrate, Karaikudi and the same was taken on file in C.C.No.138 of 2022, 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, 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 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 appear before learned Judicial Magistrate, Karaikudi, on every hearing date without fail.

[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/-

26/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE
KARAIKUDI SOUTH POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SRIDHARAN M Advocate SR.No.11903

ORDER

IN

CRL OP(MD) No.18977 of 2022

Date :26/10/2022

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