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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/11/2022

PRESENT

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

CRL OP(MD). No.19507 of 2022

Seeniraj

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Vembakkottai Police Station,
Virudhunagar District.
Crime No.304 of 2022

... Respondent/Complainant

For Petitioner : M/s.Marees Kumar E,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.304 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 288 and 304(2) of IPC, in Crime No.304 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the first accused is running fireworks in the name of Ramalakshmi Fireworks, in Sattur Taluk, Thulukkan Kurichi, Virudhunagar District. The petitioner had engaged the second accused to done some repair work in the fireworks building. On 28.10.2022, the second accused and one Paul Muneeswaran-deceased herein had done some work in the premises of the petitioner. At that time, Room No.15 in the office of the petitioner had fell down. In the said accident, the said Paul Muneeswaran got injured and thereafter, he passed away. Hence, the complaint.

<https://www.mhc.tn.gov.in/judis>



3.The learned counsel for the petitioner would submit that the petitioner had followed all the rules and regulations imposed by the Licensing Authority. He had entered into a contract with the second accused do to some civil construction work in the factory premises. On the said day, the second accused and deceased Paul Muneeswaran had done work in the factory premises, but unfortunately the building had fell down. The petitioner given contract only to the second accused and therefore, he is only liable to the above said incident. He would further submit that the petitioner is an innocent and he has been falsely implicated in this case. Further the petitioner had fell down from the water tank of his house and he is taking treatment for the above said accident. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the co-accused was arrested and thereafter, released on bail. He would further submit that the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the fact the co-accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

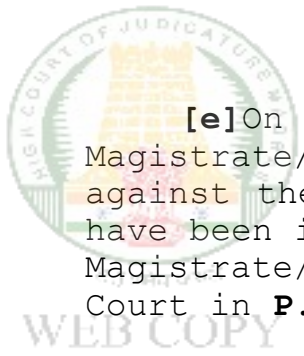
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sattur, on condition that the petitioner shall execute a bond for 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 report before respondent police daily at 10.30 a.m., until further orders;

[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/-

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

cp

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, SATTUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR @ SRIVILIPUTHUR.
- 3.THE INSPECTOR OF POLICE,
VEMBAKKOTTAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MAREES KUMAR E Advocate SR.No.52817(f)

ORDER

IN

CRL OP(MD) No.19507 of 2022

Date :04/11/2022

RK/BUC/SAR- 4(15/11/2022) 3P/6C