

Crl.O.P.No.4221 of 2023

T.V.THAMILSELVI, J.

The petitioner who apprehends arrest for the alleged offence under Section 304(ii) IPC in Cr.No.38 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is mason and the deceased one Mr.suresh is a worker. The petitioner has not provided any safety equipment, at the time of working, due to which, the defacto complainant's husband/deceased got electrocuted and died on 01.02.2022. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that on the date of occurrence, by way of accident, this incident happened, without knowledge of the petitioner. Regarding, the death of the defacto complainant's husband already a reasonable compensation was paid. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits that the petitioner is mason and the deceased suresh is a worker. On 01.02.2022 at about 04.45 p.m., when the deceased was working on the outer wall of the building, due to the negligence on the part of the petitioner and that he has not provided any safety equipment at the time of working, the defacto complainant's husband got electrocuted and died. He further submitted that a sum of Rs.9,50,000/- was paid to the wife of the deceased as compensation by the petitioner. Hence, he opposed for granting anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and the victim was paid a sum of Rs.9,50,000/- by the petitioner, to verify the same, the defacto complainant/wife of the deceased also appeared before this Court and admits that she has received the said amount, and also of the fact that the investigation almost completed, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on anticipatory 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-I, Tindivanam, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties out of which one surety shall be a blood surety, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police every Sunday at 10.30 a.m. for a period of three months and thereafter, as and when required for interrogation;

(c)the petitioner shall not tamper with 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



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and the petitioner released on anticipatory 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]*; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

03.03.2023

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