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Crl.O.P.No.7906 of 2023

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A.D.JAGADISH CHANDIRA, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 304 of IPC @ into Sections 304 and 287 of IPC, in Crime No.14 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Pondy Murugesan is that the petitioner along with other accused, had carelessly carried out demolition of an old building without any preventive measures due to which, the old building, fell on the deceased Padmapriya/daughter of the defacto complainant, who was walking in the street and she got stuck in the rubble. After that, the Police and the Fire Department personnels came to the spot and rescued her and sent her to Royapettah Government Hospital for treatment wherein, the Doctors, who examined her, stated that she had already died. Hence, the complaint.



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3. The learned counsel for the petitioner submitted that the petitioner has been unnecessarily roped in this case. The petitioner is the co-owner of the said premises and she has not committed any offence as alleged by the prosecution. The petitioner had handed over the demolition work to a Contractor and that the Contractor had been negligent and thereby, the accident had occurred. However, without prejudice to her rights and defence, the petitioner is ready and willing to make a payment of Rs.2,00,000/- lakhs as ex-gratia to the legal heirs of the deceased. He also submitted that the co-accused have been granted anticipatory bail/bail by this Court in Crl.O.P.No.2408 of 2023 and Crl.O.P.No.3306 of 2023 by orders dated 03.02.2023 and 16.02.2023 on condition of payment of compensation. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner is the co-owner of the said premises. The contractor and others were carrying out the demolition work in a negligent manner due to which, the victim, who was waking in the street, got struck in the



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rubble and subsequently, she was rescued and sent to Royapettah Government Hospital for treatment and that the Doctors, who examined her, stated that she had already died. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the entire materials available on record.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the petitioner has prepared to make payment of Rs.2,00,000/- as ex-gratia, to the legal heirs of the deceased and that the co-accused have been granted anticipatory bail/bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned**



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XIV Metropolitan Magistrate, Chennai, 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 must be a blood related 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees two Lakh only) to the credit of Crime No.14 of 2023, within a period of two weeks from the date of receipt of a copy of this order. On such deposit, the learned Magistrate shall disburse the amount deposited to the credit of Crime No.14 of 2023, to the parents of the deceased.

[c] the petitioner shall appear before the respondent Police as and when required for investigation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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