

Crl.OP.No.13190 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 308 and 304(2) of IPC in Crime No.232 of 2023, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Arun Kumar is that he along with some other persons engaged by the accused for fixing the hoarding which was 70 feet high and at that time, they were not given proper safety equipment. Due to strong winds, the hoarding fell down and three persons were died and one person sustained injury. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he is the owner of one M/s Murthi Ads engaged in the business of fixing advertise hoardings and they had engaged the service of Contractor namely Palanisamy for fixing hoardings, during such time, an unfortunate accident occurred on account of strong winds blowing, three persons namely Gunasekaran, Senthil Murugan and Kumar aged about 52, 39 and 22 respectively have fallen down and died and one

more person sustained injury. He would further submit that the petitioner was not present at the scene of occurrence and that he had engaged the service of Contractor one Palanisamy and he has no role to play. He would further submit that the petitioner has spend about Rs.2,00,000/- for the injured person. He would further submit that the petitioner is also now ready and willing to pay ex gratia amount of Rs.2,00,000/- each to the legal heirs of the said Gunasekaran, Senthil Murugan and Kumar who have lost their lives and thereby he would seek anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner who is the owner of one M/s Murthi Ads and the second accused is the Manager and they have engaged the service of Contractor viz., Palanisamy for installing the hoardings. While the deceased were installing the hoardings, they were not given proper safety equipment and due to strong blowing of wind, they have fallen down and died. He also submit that investigation is pending. Thereby he would vehemently oppose to grant anticipatory bail to the petitioner.

5. Heard both sides and perused the materials available on records including the FIR.

6. Taking into consideration the facts and submissions made by both counsel and also voluntarily an undertaking by the petitioner that without prejudice his rights, is ready to deposit a sum of Rs.2,00,000/- as ex gratia payment for each of the legalheirs of the deceased (totally Rs.6,00,000/-), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioner shall deposit a sum of Rs.6,00,000/- (Rupees Six lakhs only) to the credit of Cr.No.232 of 2023 and on such deposit and production of proof, 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 on which the order copy made ready, before the **learned Judicial Magistrate, Uthangarai, Krishnagiri District**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Twenty Five Thousand only)** with two sureties, 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 report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter on every Saturday at 10.30 a.m., until further orders.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

8. After ex gratia payment being deposited by the petitioner, the learned Magistrate shall issue notice to the Spouse of each of the deceased and disburse Rs.2,00,000/- each.

9. With the above directions, this Criminal Original Petition is ordered.

15.06.2023

Vv

A.D.JAGADISH CHANDIRA, J.

Vv

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