



WEB COPY



CrI.O.P.No.13557 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.13557 of 2023

Arunkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Karumathampatty Police Station

(Crime No.232 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Cr.No.232 of 2023 on the file of the
respondent police.

For Petitioner : Mr.PA.Saigovindaraja

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



CrI.O.P.No.13557 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2023, for the offence punishable under Section 304(ii) and 308 of IPC, in connection with Crime No.232 of 2023, registered on the file of the respondent, seeks bail.

2. The case of the prosecution as per the defacto complainant/Arunkumar is that the accused was running a flex printing shop in the name of “Murthy Arts”. On 01.06.2023, the accused along with four other persons went to Karumathampatti to put up flex and the petitioner herein who was working as a sub contractor under the main accused without any safety measures install at the flex board in the iron railings and due to heavy rain, the flex board fell down, due to which, three persons died on the spot and one person got injured. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated into this case. He further submitted that other than the employee of the sub contractor, the petitioner has nothing to do with the alleged offence. He further submitted



Crl.O.P.No.13557 of 2023

that the petitioner is now being the scapegoat and he was also not present at the scene of occurrence. He further submitted that the main accused has been granted anticipatory bail by this Court in Crl.OP.No.13180 of 2023 dated 15.06.2023. He further submitted that the petitioner is languishing in judicial custody from 02.06.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner was working as the sub contractor under the main accused, since they have not taken any safety measures, the banner in which the flex board was fitted fell down and three persons died on the spot and one person got injured and hence he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



CrI.O.P.No.13557 of 2023

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the main accused has been granted anticipatory bail on undertaking his offer to make an ex gratia payment to the victim, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate, Sulur** and on further conditions that:

[a] 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 appear before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

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



CrI.O.P.No.13557 of 2023

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

19.06.2023

drl

To

1. The Judicial Magistrate,
Sulur.
2. The Inspector of Police,
Karumathampatty Police Station
3. The Central Jail,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.13557 of 2023

A.D.JAGADISH CHANDIRA.,J.

drl

CrI.O.P.No.13557 of 2023

19.06.2023