



Crl.O.P.No.18390 of 2023

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RMT.TEEKAA RAMAN, J.

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 288 and 304(ii) of IPC in Crime No.208 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and her husband were construction workers working under the petitioner/Managing Director of M/s.Srinivasan Associates Private Limited herein. On 04.07.2023, while they were engaged in a construction work at Sri Krishna College, Kuniyamuthur, they dugged a pit for constructing a compound wall near the existing compound wall. At that time, the existing compound wall collapsed and fell on them resulting in death of five workers including her husband. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.



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4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the de-facto complainant gave a complaint alleging that 20 persons were engaged in construction activity at Sri Krishna College, Kuniyamuthur. On 04.07.2023, when a digging work was done near an existing compound wall, the existing compound wall fell on the workers. As a result, workers suffered injuries. 4 persons died on the spot and 1 person died later. The petitioner is the Managing Director of M/s.Srinivasan Associates Private Limited. The co-accused/A2&A3 were granted bail by this Court. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6.Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, after the



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trial, if the learned Session Judge chosen to award the compensation, the same shall be adjusted and the amount to be deposited before the concerned Magistrate and 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 his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No.7, Coimbatore on condition that the petitioner shall execute their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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.



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[b] the petitioner shall report before the respondent Police 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 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 229A IPC;

18.08.2023

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Note: Issue order copy on 21.08.2023



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