



CrI.O.P.No.28144 of 2023

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C.V.KARTHIKEYAN, J.

The petitioner seeks anticipatory bail in Crime No.849 of 2023 registered by the respondent police for the offences punishable, originally registered as "man missing" and later altered into 304(ii) IPC.

2. The petitioner is a contractor under Hinduja Leyland Finance Limited and A6 in Crime No.849 of 2023,

3. It is stated that the petitioner had been engaged by Hinduja Leyland Finance Limited to put up a pit in the property at No.1, Five Furlong Road, Guindy, Chennai - 600 032 for the purpose of secant piling, excavation and allied works.

4. It is contended that the works had been completed and the site had been handed over to the Hinduja Leyland Finance Limited. It has to be noted adjoining this particular property, there is an LPG unit. There is of course a wall between the two properties. Owing to the heavy rain on 04.12.2023, the water came rushing and the wall apparently had collapsed and one of the employee of LPG unit fallen into this particular pit and had unfortunately died. The body was not recovered immediately.



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5. It is the contention of the learned Senior Counsel for the petitioner that the petitioner cannot be held responsible when some bystander or stranger or even a person across the wall had fallen into the pit. But the petitioner as a contractor, should be aware that the pit is a source of danger and therefore, he must own responsibility for any untoward happened at that particular place. No doubt, the rains were unpredictable and rains were heavy and the wall collapsed. But it is not a stray incident of just one person who died. It is to be noted that another FIR in Crime No.849 of 2023 had also been registered wherein one supervisor of the petitioner himself had gone over on being called to the site and had fallen into the pit and had disappeared and the body was recovered after 4 days. Therefore this is not a stray incident but the second incident which had happened leading to death. The family had lost a father, a son and a brother. It is also not the case of the petitioner herein that the petitioner had come forward to pay any compensation for the death of the individual and it is claimed that he was an employee of LPG unit and therefore the petitioner cannot be made responsible for the incident. Investigation will have to be done. Further, it is seen that two of the accused are still absconding.



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6. Taking into consideration all factors, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed.

15.12.2023

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