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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5882 of 2023

Thenappan,

... Petitioner/Accused No.1

Vs

State Rep.by
The Station House Officer,
Thiruppuvanam Police Station,
Sivagangai District.
Cr.No.64/2022.

... Respondent/Complainant

For Petitioner : M/s. Rm.Arun Swaminathan, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 64/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 287,304 (2) of IPC in Crime No. 64 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 08.03.2022 the deceased fell into the concrete machine and died on the spot, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. Even according to the case of prosecution the petitioner is <https://www.mharc.in/> and he was engaged by the owner of the property. A2



is the contractor and A3 is the mazon. The deceased fell to the concrete machine, sustained injuries and died. In so far as the petitioner is concerned he is only an Architect Engineer and he is also not present in the place of occurrence. Taking into consideration the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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, Thiruppuvanam, Sivagangai District on condition that the petitioner shall execute 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 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 daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

[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.

sd/-
29/03/2023

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/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE STATION HOUSE OFFICER
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.RM.ARUN SWAMINATHAN, Advocate (SR-5164[I] dated
30/03/2023)

ORDER

IN

CRL OP(MD) No.5882 of 2023

Date :29/03/2023

PKP/BUC/SAR-1/03.04.2023/ **3P/6C**