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CRL OP(MD).

23



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8511 of 2023

Velayutham

... Petitioner/Accused 3

Vs

The State rep.by
The Station House Officer,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.64 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Rm.Arun Swaminathan, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 287, 304(2) 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 accused persons without any preventive measures, rash and negligently dropped down the concrete machine, due to which, the deceased fell into the concrete machine and died on the spot. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner is innocent and a false case has been foisted against him. In this case, the co-accused has already been enlarged on bail as per order of this Court in Crl.OP(MD)No.5882 of 2023. Hence, prayed to release the petitioner on anticipatory bail.



4. On the side of prosecution, it is stated that due to the negligence of the petitioner, the deceased fell into the concrete machine and died. Hence, prays to dismiss the petition. However, it is stated that the petitioner is not any previous case at his credit.

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5. Considering nature of the offence and the fact that the co-accused has already been enlarged on anticipatory bail and also considering the fact that the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thirupuvanam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/05/2023

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/05/2023

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



PNM
TO

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.

ORDER

IN

CRL OP(MD) No.8511 of 2023

Date :04/05/2023

PKP/SSS/SAR.I/08.05.2023/3P/5C