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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12272 of 2023

Kannan

... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
Sellur Police Station,
Madurai District.
In Crime No.638 of 2023.

... Respondent/Complainant

For Petitioner : Mr.P.Venkatesan, Advocate.
For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.638 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole Accused, who was arrested on 16.06.2023 for the alleged offence under Sections 336, 304(2) of IPC, in Crime No.638 of 2023 on the file of the respondent police, seeks bail.

2.The prosecution case is that the petitioner the defacto complainant is the daughter of the deceased. A1 is the building owner and this petitioner/A2 is the building contractor. A1 has done renovation work in her house with help of this petitioner, but this petitioner did not arrange proper safety measures. Due to that on 14.06.2023, the building collapsed suddenly and cement blocks fallen on the head of the deceased, they sustained head injury and died on the spot. Hence, complaint.

3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody for more than 26 days.



4.The learned Additional Public Prosecutor appearing in the respondent police submitted that A1 is still absconding.

5.Considering the fact that this petitioner is only a contractor, who engaged the labours for the purpose of construction work, apart from that he is not directly involved in the construction work, this Court is inclined to grant bail to the petitioner with certain conditions;

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 No.II, Madurai District, and on further condition that the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

sd/-

06/07/2023

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06/07/2023

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

Indu

TO

1 THE JUDICIAL MAGISTRATE NO.II, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, SELLUR POLICE STATION, MADURAI.

4 THE OFFICER INCHARGE, SUB JAIL, USILAMPATTI, MADURAI DISTRICT.

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

+1 CC to M/s.P.VENKATESAN, Advocate (SR-10311[I] dated 06/07/2023)

ORDER

IN

CRL OP(MD) No.12272 of 2023

Date :06/07/2023

RS/SSS/SAR-(06.07.2023) 2P 7C