



Crl.O.P.Nos. 838 etc., of 2024

Crl.O.P.Nos. 838, 3737 & 5025 of 2024

C.V.KARTHIKEYAN, J.

The third accused has filed Crl.O.P.No. 838 of 2024, the fifth accused has filed Crl.O.P.No. 3737 of 2024 and the sixth accused has filed Crl.O.P.No. 5025 of 2024, all in Crime No. 848 of 2023 registered under Section 304(ii) of IPC.

2. It is stated that the third accused is the Proprietor of M/s. Green Tech., and entered into an agreement for putting up the basement at a site at Velachery and for that purpose, excavation had been done. It is stated that on 04.12.2023, early in the morning, some men were engaged to do the construction work. There were heavy rains on and from 02.12.2023. One of the employees of the petrol bunk which is situated adjacent to the construction site was washed away owing to the collapse of the compound wall of the petrol bunk owing to heavy rains. After three days, the water in the pit was drained and the deceased body was found. It was under those circumstances that a complaint was lodged as “man missing” and later altered into Section 304(ii) IPC. The sixth accused is the Project Engineer of the third accused and the fifth accused is the supplier of earth moving machineries to the third accused.



Crl.O.P.Nos. 838 etc., of 2024

3. The learned Government Advocate (Crl. Side) would submit that the investigation is on going and owing to absence of the petitioners, the investigation could not be completed.

4. The learned counsel for the third accused stated that he had been informed that the petrol bunk owner had paid compensation of Rs.15/- lakhs to the family members of the deceased and had released yet another sum of Rs.15,00,600/- towards the employer contribution of the contribution payable to the family members.

5. Taking all these factors into consideration, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer



Crl.O.P.Nos. 838 etc., of 2024

who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

05.03.2024
(2/2)

vsg



WEB COPY



Crl.O.P.Nos. 838 etc., of 2024

C.V.KARTHIKEYAN, J.

Vsg

Crl.O.P.Nos. 838, 3737 & 5025 of 2024

**05.03.2024
(2/2)**