



Crl.O.P.No.8846 of 2024

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T.V.THAMILSELVI, J.

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The petitioners, who apprehend arrest for the alleged offence punishable under Section 304 (ii) I.P.C in Crime No. Not known of 2023, seek anticipatory bail.

2. The case of the prosecution is that on 16.10.2023, the defacto complainant's father was doing masonry work under the 2nd petitioner, who is the head mason and suddenly, he fell down from the site due to which he sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners submit that 1st petitioner is the Manager, 2nd petitioner is the head mason and 3rd petitioner is the owner of the site premises. He would submit that they are innocent persons and they have not committed any offence as alleged by the prosecution and there is no negligence on their part. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that when the defacto complainant's father was involved in a masonry work, he fell down from the site due to which he sustained



injuries. He would submit that investigation is almost completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance before the **learned Judicial Magistrate Court No.II, Tindivanam** on condition that the petitioners shall execute a separate 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 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.



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[b] the petitioners are directed to report before the respondent police as and when required for interrogation.

[c] the 3rd petitioner is directed to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) to the credit of Crime number within a period of three weeks from the date of receipt of a copy of this order. On such deposit, the defacto complainant is permitted to withdraw the same.

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

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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];**

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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7. The deceased is a coolie worker who died while doing masonry work. Due to such accident his family put into hardships. On considering the pathetic situation of the family of the deceased, this Court recommends that it is a fit case to refer, **as per 357(A) (1) (2) and (6) of Victim Compensation Scheme. The District Legal Services Authority, Villupuram**, is hereby directed to pay a sum of **Rs.1,00,000/- (Rupees One Lakh Only)** as interim compensation to the legal heirs of the deceased, addressing to the District Collector, in the manner known to law within a period of 6 weeks from the date of receipt of copy of this order.

8. Post this matter under the caption “ For Reporting Compliance” on 11.06.2024.

12.04.2024

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Crl.O.P.No. 8846 of 2024