



Crl.O.P.No.12407 of 2024

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**C.SARAVANAN, J.**

The petitioner herein is apprehending arrest at the hands of the respondent police for the offence under Sections 287, 304(2) of Indian Penal Code, 1860 in Crime No.177 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's father's brother Prem Bir Vohra was working past 20 years in Tamilnadu, Kakkalur PIPARE TUBUS FABRICARE company and on 07.03.2024 at about 03:00 PM, has sustained grievous injuries during the course of his employment and succumbed to injuries on 13.03.2024 and he alleged that the reason for the cause of death/ accident is due to absence of safety measures in the company, hence the defacto complainant lodged a complaint to the respondent police against the owner and supervisor / petitioner herein of the company.



Crl.O.P.No.12407 of 2024

WEB COPY

3. The learned counsel for the petitioner would submit that the petitioner herein is arrayed as A2 and he has nothing to do with the prosecution of the case and he is only working as a supervisor of the PIPARE TUBUS FABRICARE company and falsely implicated in this case. He also further submitted that the other accused/ A1, who is the owner of the company died due to illness on 28.03.2024 during the investigation. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner/ A2 herein is the supervisor in the company of the accused A1, where the defacto complainant's father's brother died allegedly on account of the negligence on the part of the petitioner /A2 and A1. He also further submitted that there is no previous case pending against the petitioner herein. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the submissions made by the learned counsel



Crl.O.P.No.12407 of 2024

for the petitioner and learned Government Advocate (Crl. Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 No.1, Tiruvallur 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



Crl.O.P.No.12407 of 2024

police as and when required for interrogation and the petitioner is also directed to co-operate for the investigation.

[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.

**23.05.2024**

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Page 4 of 5



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Crl.O.P.No.12407 of 2024

**C.SARAVANAN, J.**

stn

Crl.O.P.No.12407 of 2024

23.05.2024