



Crl.O.P.No.20081 of 2024

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P.DHANABAL, J.

The petitioner apprehends arrest for the alleged offences under Sections 289, 105 of the B.N.S Act 2023 r/w 5 of the Explosive Substance Act, 1908 Crime No.693 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the *de facto* Complainant's husband along with two other persons were engaged by the first accused for digging well. While so, all the three persons went inside the well by using a crane big bucket and due to the failure of crane functioning, all of them fell into the well and sustained injuries. Further, while some explosive substances were also found inside the well. Hence, the complainant.

3. The learned counsel appearing for the petitioner submits that the petitioner had not committed any offence as alleged and the petitioner had been falsely implicated in this case. He further submitted that there is



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no whisper about the petitioner in the First Information Report (FIR) and

only based on the confession statement of the co-accused, the petitioner was cited as third accused and even in the confession statement nothing was mentioned about the petitioner's involvement in the crime and hence, he prayed to grant anticipatory bail to the petitioner .

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the *de facto* Complainant's husband along with two other persons were engaged by the first accused for digging well. While so, all the three persons went inside the well by using a crane big bucket and due to the failure of crane functioning, all of them fell into the well and sustained injuries and died. Further, while some explosive substances were also found inside the well., he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and considering the fact that the petitioner has a valid license for sale of explosive substances and also taking into consideration of the fact that occurrence of the accident was due to failure of broken strand of wire in the crane and only based on the confession statement of the co-accused the



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petitioner was arrayed as third accused and that there is no previous cases as against the petitioner, 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 (15) days from the date of receipt of a copy of this order before the ***Learned District Munsif cum Judicial Magistrate, Thiruvannainallur District*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (each) (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 and on further condition that:

[a] the petitioner shall report **before the respondent police on every Saturday, for four weeks.**

[b] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.



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[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[f] 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]***.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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