



Crl.O.P.No.29017 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner/ A1 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 287, 289 and 61(2) of BNS, subsequently, altered into Sections 287, 289, 61(2) and 105 of BNS in Crime No.815 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the defacto complainant one SRS Krishnan has lodged a complaint stating that, he is an Executive Director in M/s. Suryadev Alloys and Private Limited (TMT Bar Manufacturing Company) and on 09.11.2024, the furnace in the said company has been burst, due to which two workmen in the said company have sustained fire injury. It is also further stated that, the defacto complainant upon enquiring about the blast with one Vishal Rai, who is the incharge of the said furnace, it has come to light that based on the instigation of the main accused, who is the former contractor to look after the furnace in the said company, the said Vishal Rai had increased the Furnace current power, which resulted in blast. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that



petitioner is innocent and has nothing to do with the alleged offence and he been falsely implicated in this case. He would further submit that the petitioner runs a business in the name and style of "Aadi Shakti Services", a partnership firm, which provides manpower/ workmen to various companies, especially to Steel manufacturing companies. He would further submit that the petitioner herein had provided manpower service to M/s. Suryadev Alloys and Pvt. Limited for the past 17 years and since the furnace was not maintained properly, the petitioner's firm had raised objection and thereby, the contract was terminated on 07.10.2024 by giving two months notice, which was confirmed vide an email communication and a letter dated 25.07.2024. Subsequently, the said company had appoint a new furnace contractor and the incident of blast of furnace has happened on 09.11.2024, whereas, the petitioner's firm came out of the factory on 07.10.2024. He would further submit that the furnace was not properly maintained by the defacto complainant company, hence the petitioner's firm had come out of the company, which was also stated in the petitioner's letter dated 25.07.2024 and it is also mentioned that the petitioner's company will stop all the work in the plant of the defacto complainant by 30.09.2024. He would further submit that one of the employee of M/s. Suryadev Alloys and Pvt. Limited had died, due to the violation of guidelines of the Factories Act and the Boiler's Act, but the defacto complainant, in order to overcome the fact of



faulty maintenance of the furnace are now trying to frame the petitioner herein in this case with false allegation and concocted story, in order to escape from the liability. He would further submit that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner herein is the erstwhile furnace contractor of the defacto complainant's company, had been terminated, in order to wreck vengeance, the petitioner had colluded with other accused and increased the current power to the furnace in the defacto complainant's company, which caused the burst of the furnace, resulted in death of one employee and injury to the other employee in the defacto complainant's company. He would further submit that the investigation is still pending.

5. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.



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6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking into consideration the communication taken place between the petitioner and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 District Munsif cum Judicial Magistrate Court at Gummidipoondi, Thiruvallur District** on condition that the petitioner 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 petitioner and the sureties shall affix their



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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 police everyday at 10:30 a.m., for a period of two weeks, thereafter, every Saturday at 10:30 a.m., until further orders.

[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 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].

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

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20.11.2024

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Note: Issue order copy today (28.11.2024)