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CrI.O.P.No.30559 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.30559 of 2024

Vipin Rai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
F2-SIPCOT Police Station,
Gummidipoondi, Thiruvallur District,
(Crime No.815 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.815 of 2024, on the file of the respondent police.

For Petitioner : Mr.Guruprasad Manoharan
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)



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ORDER

Apprehending arrest in connection with Crime No.815 of 2024 registered for the offences punishable under Sections 287, 289 & 61 (2) & 105 of BNS 2023, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. Learned counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. The petitioner is arrayed as A3. He further submits that A1 was granted anticipatory bail on 20.11.2024 in Crl.OP.No.29017 of 2024. He also submits that the petitioner has no previous case against him. He further submits that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



3.The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the defacto complainant one SRS Krishnan has lodged a complaint stating that, he is an Executive Director in M/s. Suryadev Alloys & Pvt. Ltd (TMT Bar Manufacturing Company) and on 09.11.2024, 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 further submits that the petitioner has no previous case against him.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and 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 of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate Court at



Gummidipoondi, Thiruvallur District on condition that the petitioner shall execute a bond each 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter on 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 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



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[(2005)AIR SCW 5560];

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

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A.D.JAGADISH CHANDIRA, J.

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