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CRL O.P. No.30002 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.30002 of 2024

Dass Prakash

... Petitioner / Accused

Vs

1. State represented by,
The Assistant Commissioner of Police,
Guduvancheri Range,
Guduvancheri,
Tamil Nadu- 603 202.

2. Inspector of Police,
Otteri Police Station,
Chennai- 600 048.

Amended as per order dated 2/1/25
in Crl.MP.18439/24 in Crl.OP.30002/24

3.Ashok Kumar

....Respondents

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused, in Crime No.52 of 2024 on the file of the respondent police.



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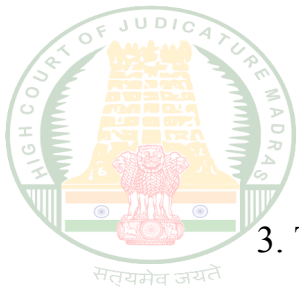
For Petitioner : Mr.R.Vinay

For Respondent : Mr.S.Santhosh,
Government Advocate
(Criminal Side)
for RR1 & 2
No appearance for R3

ORDER

The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 304 of Indian Penal Code, 1860, and Sections 7 and 9 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, r/w. Section 3(i)(j) & 3(ii)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in connection with the case in Crime No.52 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the son of the deceased who was engaged in doing drainage cleaning work at TVS Green Acres Apartments, Kelambakkam; that the petitioner is the supervisor of one VIPRAS Facility Management Private Limited who was engaged in property Management services of the said premises; that the defacto complainant's father while doing the cleaning work was exposed to poisonous gas and died due to the same.

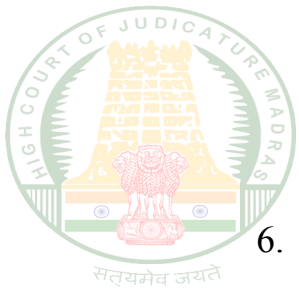


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3. The learned counsel for the petitioner submitted that the petitioner was working as a supervisor in VIPRAS Facility Management Private Limited; that the defacto complainant's father was not employed by them; that he was independently employed by the apartment owner; and that on humanitarian grounds the company in which the petitioner was working as a supervisor had paid a compensation of Rs. 30 lakhs to the defacto complainant by demand draft.

4. The learned Government Advocate (Crl.Side) reiterated the prosecution case and submitted that the petitioner is working as a supervisor in a company which was engaged in property management services; that the defacto complainant had confirmed the receipt of Rs.30 lakhs as compensation for the death of his father.

5. Since the petitioner was prosecuted for offence under SC/ST Act, this Court had issued notice to the second respondent/defacto complainant. Though he was served and a learned counsel had entered appearance, there is no representation.



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6. 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.

7. Considering the nature of allegations against the petitioner, the fact that he is working as a supervisor in the company alleged to have engaged the victim; that the said company had paid a compensation of Rs.30 lakhs to the defacto complainant and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

8. 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 **Principal district Court, Chengalpattu**, 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,



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failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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.

[c] the petitioner shall report before the respondent police weekly twice at 10.30 a.m. until further orders.

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

[e] the petitioner 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 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].



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SUNDER MOHAN. J.,

drl

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

26.02.2025

drl

1. The Assistant Commissioner of Police,
Guduvancheri Range,
Guduvancheri,
Tamil Nadu- 603 202.

2. Inspector of Police,
Otteri Police Station,
Chennai- 600 048.

3. The Public Prosecutor,
High Court, Madras.

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