

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

Bail Appl..No. 1206 of 2015 ()

CRIME NO. 332/2014 OF ALAKODE POLICE STATION, KANNUR DISTRICT

PETITIONERS/ACCUSED NO.1 & 2 :

1. V.G.PRADEEP KUMAR,
S/O.GOPALAN NAIR, AGED 44 YEARS
SUB ENGINEER, RAMA NILAYAM
CHARUVILA KURAKKANI, VARKKALA P.O.,
THIRUVANANTHAPURAM DISTRICT.

2. SACHIDANANTHAN M.V.,
S/O.ACHUTHA WARRIER, AGED 44 YEARS
OVERSEAR, MANALUR WARRIYAM
MENALLOOR P.O., THRISSUR DISTRICT.

BY ADVS.SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI

RESPONDENT/COMPLAINANT :

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA
THROUGH S.H.O., ALAKODE POLICE STATION,
KANNUR DISTRICT.

BY PUBLIC PROSECUTOR SRI. JIBU P. THOMAS

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23-03-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Mn

B.KEMAL PASHA, J.

.....
B.A. No.1206 of 2015

.....
Dated this the 23rd day of March, 2015

ORDER

Petition filed under Section 438 Cr.P.C.

2. Petitioners are the accused in Crime No.332/2014 of the Alakode Police Station, Kannur registered for the offence punishable under Section 304 of the Indian Penal Code.

3. The prosecution case is that on 04.05.2015 at 12.15 p.m., while a temporary worker, who was working under a Contractor of the KSEB, was engaged in working at on electric post at the Alakode Town, he suffered an electric shock and died on the way to the hospital.

4. Heard learned counsel for the petitioners and the learned Public Prosecutor.

5. The first petitioner is the Sub Engineer of KSEB, Electrical Section, Alakode and the 2nd petitioner is the Overseer of the KSEB of the said Electrical Section. According to the petitioners, the line in question was, in fact, disconnected, and there was no electricity at all in the said line. The incident happened when the nearby shop owner has switched on his generator as there was no electricity and the electricity from the generator passed through the line in question, which was not expected by any of the accused persons. The learned counsel for the petitioners has pointed out that an enquiry in the matter was conducted by the KSEB and it has come out that the electricity was actually passed on to the line in question from the generator. Considering the peculiar facts and circumstances of this case, I do not think that custodial interrogation of the petitioners is required for the continued investigation of the case. No criminal antecedents have been reported against the petitioners. Considering all the above, this Court is of the

view that this is a fit case wherein anticipatory bail can be granted to the petitioners.

6. In the result, this bail application is allowed and the investigating officer or such other police officer, who is conducting the arrest of the petitioners, is directed to enlarge the petitioners on bail in the event of their arrest on each of them executing a bond for ₹25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the officer conducting arrest, and subject to the following terms and conditions:-

(i) The petitioners shall report before the investigating officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 30.03.2015 for a period of three months or till the filing of the final report in this case, whichever is earlier.

(ii) The petitioners shall not tamper with the evidence or influence witnesses.

(iii) The petitioners shall make themselves available for interrogation as and when required

by the investigating officer.

(iv) The petitioners shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/- B.KEMAL PASHA, JUDGE

ul/-

[True copy]

P.S. to Judge