



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Sixth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10782 of 2016

KARUNAKARAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANKYAKUMARI DISTRICT,
CR NO. 215/2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S N.DILIP KUMAR, ADVOCATE

FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

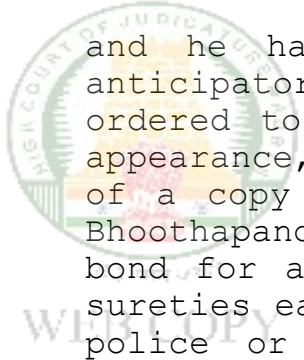
The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Section 304 of IPC in Crime No.215 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a lessee of a Banana Plantation Groove and put up electric fencing around the Banana Plantation Groove and while so, the parents of the defacto complainant came in-to contact with a live wire fence put up by the petitioner and died due to the electric shock. On complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is the owner of the land and he has given the land to a third party for lease and he has formed a electric fence to protect his Banana plantation and prays for anticipatory bail.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner has put up electric fencing around Banana Plantation Groove and the deceased came in contact with the live wire fence and the parents of the defacto complainant died and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is the owner of the land



and he has given the land to lease, I am inclined to grant anticipatory bail to the petitioner. 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 Judicial Magistrate, Bhoothapandi, and 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 and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am until further orders.

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

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

[d] 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 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].

sd/-
06/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, BOOTHAPANDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
BOOTHAPANDI POLICE STATION,
KANKYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S N.DILIP KUMAR Advocate SR.No. 35198