

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2020

CORAM :

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

Cr1.O.P.No.9072 of 2020

Mariadoss

... Petitioner

/versus/

State of Tamil Nadu rep. by its
The Inspector of Police,
Sipcot Police Station,
Hosur, Krishnagiri District,
Crime No.407 of 2019.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner/accused on bail in Crime No.407 of 2019 on the file of the Inspector of Police, Sipcot Police Station, Hosur, Krishnagiri District.

For Petitioner : Mr.M.Vimal B.Crimson

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.05.2020 for the offence punishable under Section 174 (3) of Cr.P.C. and the same was altered as 304(II) of IPC in Crime No.407 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the complaint of one Malar wife of Velu is that her daughter was married to one Murugan and that on 28.09.2019 at about 12.00 p.m., while her daughter was returning from the Panchayat water tap after fetching water, she has kept her hand on a compound wall belonging to one Poornima and that she was electrocuted and she was taken by her husband to the hospital where she was declared brought dead. Based on the complaint a case was initially registered under Section 174(3) of Cr.P.C. later it was found that the petitioner, who is working as a wire man in TANGEDCO had given a electricity connection in a negligent manner, due to which the victim had suffered electrocution and she had died.

3.The learned counsel for the petitioner would submit that the case was registered on 28.09.2019 under Section 174(3) of Cr.P.C., since the victim died due to electrocution. He would further submit that the petitioner is working as a electrician in TANGEDCO and the allegation against him is that he had given a connection to a nearby house and that since there was a short circuit in the wire and the victim had accidentally touched the wire and she died on electrocution. Originally R.D.O enquiry was conducted and thereafter, the case in Crime No.407 of 2019, which was originally registered under Section 174(3) of Cr.P.C was altered to offence under Section 304(II) of IPC. He would further submit that there was neither negligence on the part of the petitioner nor there was any intention to cause the death of the victim. The petitioner was arrested on 22.05.2020 and he is in prison for the past one month. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent would submit that the petitioner is working as a wire man in TANGEDCO had improperly given a connection which had caused short circuit and that the victim died due to electrocution due to the improper handling of the wiring by the petitioner. He would further submit that the investigation is still pending.

5. Taking into consideration the period of incarceration and the submission made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate-II, Hosur, Krishnagiri District, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, HOSUR, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
HOSUR KRISHNAGIRI DISTRICT.

CC to M/S.M.VIMAL BOBBY CRIMSON Advocate on payment of necessary charges

CRL OP.9072/2020

Date :22/06/2020

TA-14/07/2020