

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.9890 of 2020

1.R.Palanisamy
2.R.Ravichandran
3.R.Rangan@Rangasamy

...Petitioners

...Vs...

State by Inspector of Police,
Sathyamangalam Police station,
Erode District.
Crime No. 655/2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.655 of 2020 on the file of the respondent police.

For Petitioners: M/s. T. Madhumitha

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 337 &
304(ii) of IPC in Crime No.655 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that when the deceased along
with his relative returned to the field of the first accused after
their natural calls, on 25.06.2020, he suddenly fell down on the
electric fencing put up in the land owned by the first and second
accused. Therefore, he was electricuted and died and further
alleged that the first accused illegally tampered electricity
connection belonging to the petitioners A3 to A5 herein.

3. The counsel for the petitioners would submit that there are
totally 5 accused and the petitioners herein are arrayed as A3 to
A5. Even according to the case of the prosecution, the deceased was
engaged by the first and second accused to cut the sugarcane for
Banari Sugars as Agricultural Coolies. When the deceased was
working in the field belonging to A1, unfortunately, he fell down on

the electric fence and he was electrocuted and died. Insofar as the petitioners are concerned, they are the owners of the adjacent land and they are no way connected with the fence put up in the land owned by A1 and A2 and they never engaged any worker at any point of time and electricity has been illegally tampered by A1 and A2 from the electricity service connection belonging to the petitioners herein. He further submitted that the petitioners are ready and willing to compensate to some extent to the deceased family.

4. The learned Additional Public Prosecutor submit that there are totally 5 accused and the petitioners are arrayed as A3 to A5. There was a electric fencing put up by A1 and A2 in their land. While it be so, A1 and A2 engaged the deceased to cut the sugarcane for Banari sugars and suddenly the deceased fell down on the electric fencing and he was electrocuted and died. So far no one is arrested in this case.

5. It is seen that there are totally 5 accused and the petitioners are arrayed as A3 to A5. Even according to the prosecution, the land is owned by A1 and A2 and they have put up electric fencing. While the deceased was working in the field of A1 and A2 he fell down on the electric fencing and he was electrocuted and died. Further it is also seen that the electricity has been illegally tampered from the electric service connection belonging to the petitioners herein by A1 and A2 for the electric fencing. Further the petitioners never engaged the deceased to work on their field and the first and second accused only had engaged the deceased to work on their filed.

6. Considering the above facts and circumstances and also the petitioners are ready and willing to compensate the deceased family to some extent, this Court is inclined to grant Anticipatory Bail to the petitioners on condition that the petitioners shall pay a sum of Rs.1,00,000/- (Rupees one lakh only) jointly to the family of the deceased within a period of two weeks from the date on which the order copy made ready and on such payment, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Sathyamangalam, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum, out of which one shall be blood related, to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

02/07/2020

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,
SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHYAMANGALAM POLICE STATION,
ERODE DISTRICT.

CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges

CRL OP.9890/2020

Date :02/07/2020