

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Crl. O.P. No. 11471 of 2020

Ashok Kumar,
S/o. Srinivasan,
21, Kounder Street,
Thirukandeshvaram, Nellikuppam,
Cuddalore 607 105,
Tamil Nadu. .. Petitioner/ Accused

Vs.

The Station House Officer,
D1, Nellikuppam Police Station,
Cuddalore to Panruti Main Road,
Panruti Taluk,
Cuddalore 607 105.
(Ref: Cr. No. 263/2020 dated 15.04.2020) .. Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest of the petitioner in Cr. No. 263 of 2020 dated 15th April 2020 on the file of the Station House Officer, Nellikuppam Police Station, Panruti Taluk, Cuddalore for offence under Sections

304(2) and 201 of I.P.C. Read with Section 135(1)(a) of the Electricity Act, 2003.

For Petitioner : Mr. V.L. Akshai Sajin Kumar

For Respondent : Mr. M. Jothikumar
Additional Public Prosecutor

ORDER

The matter is heard through Video Conferencing.

2. The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offence punishable under 304(2) and 201 of I.P.C. Read with Section 135(1)(a) of the Electricity Act, 2003, in Crime No. 263 of 2020, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner has fenced his paddy field with electric fence. On 15.04.2020 at 06.30 a.m., when the defacto complainant's father went to the paddy field of the petitioner to cut grass for his cow, he was electrocuted and died. The petitioner removed the fencing and kept the dead body of the defacto complainant's father in his sugar cane field. Hence, the complaint.

4. The learned counsel appearing for the petitioner submitted that petitioner has not committed any offence as alleged by the prosecution. The petitioner is a farmer and is a respectable person in the locality. The petitioner is not having any criminal antecedent. The petitioner has been falsely implicated in this case. The offence stated in the F.I.R. do not require any custodial interrogation of the petitioner. Any arrest will affect his entire agricultural activity.

5. The learned counsel appearing for the petitioner further submitted that the petitioner is suffering from Nephrolithiasis (kidney stones) and severe gastrointestinal issues and referred to the medical reports filed in the typed set of papers. The petitioner undertakes to co-operate with the investigation and prayed for granting anticipatory bail.

6. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the petitioner, without permission has fenced his paddy field with electric fence. The defacto complainant's father was electrocuted due to illegal electric fencing of the petitioner. Investigation is pending and vehemently opposed for granting anticipatory bail to the petitioner.

7. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

8. Considering the date of occurrence and medical report of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within 15 days from the date of receipt of a copy of this order before the Court of the Judicial Magistrate No. 1, Cuddalore, 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 Judicial Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(i) the petitioner and the sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

(ii) the petitioner shall report before the respondent Police daily at **10.30 a.m.**, until further orders.

(iii) the petitioner shall not abscond either during investigation or trial. The petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the concerned 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, reported in **2005 AIR SCW 5560 (P.K. Shaji vs. State of Kerala)** and

(v) If the petitioner thereafter absconds, a fresh First Information Report shall be registered, under Section 229A of I.P.C.

9. Accordingly, this Criminal Original Petition is allowed.

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Index : Yes / No



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V.M.VELUMANI, J.,

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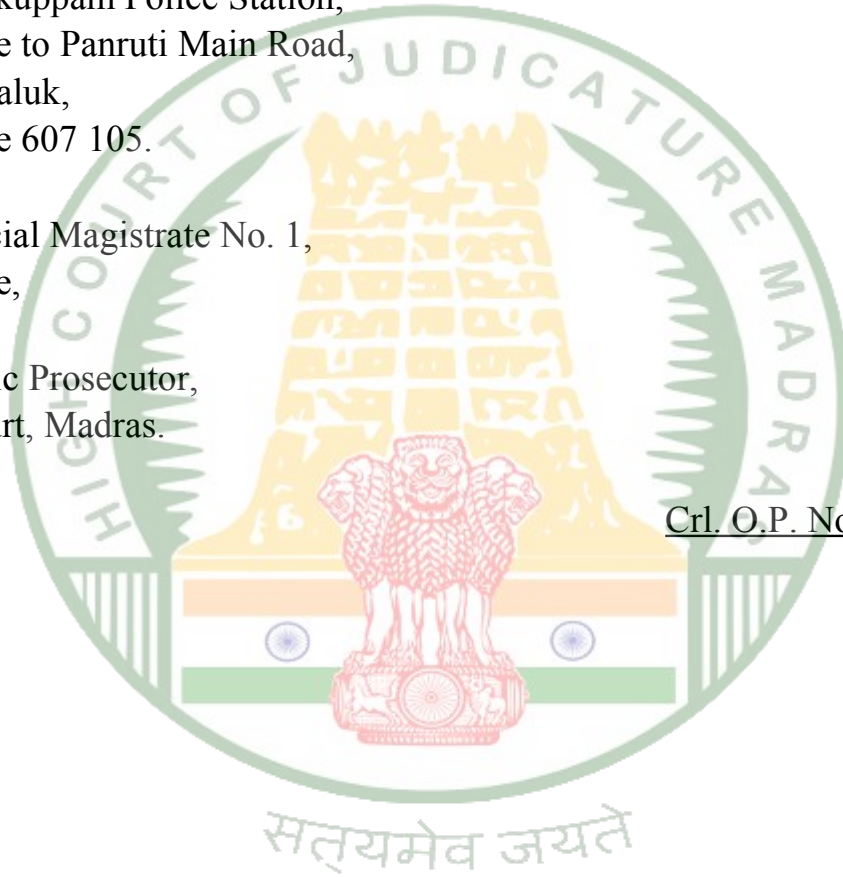
To

1.The Station House Officer,
D1, Nellikuppam Police Station,
Cuddalore to Panruti Main Road,
Panruti Taluk,
Cuddalore 607 105.

2.The Judicial Magistrate No. 1,
Cuddalore,

3.The Public Prosecutor,
High Court, Madras.

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