

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14205 of 2020

R.Ramesh

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Bangalapudur Police Station,
Erode District.

Crime No.291/2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant Anticipatory bail to the petitioner in the event of his arrest in connection with the case in Crime No.291 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Vasudevan

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

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 174 Cr.P.C. @ 304 IPC and 135 of Electricity Act in Crime No.291 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 21.08.2019 a dead body was found in the agricultural land of the petitioner. After investigation it was found that the petitioner had illegally electrified the fence, due to which the victim had died. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees fifty thousand only), to the credit of crime No.780 of 2020 to show his bonafide. He further submitted that the wife of the deceased had also died and their child is living under the custody of the grandmother. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner had illegally electrified the fence of his filed, due to which the victim had died. He further submitted that the investigation is pending. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, **within a period of fifteen days from the date on which the copy of the order is made ready, 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 Judicial Magistrate, Sathyamangalam, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), to the credit of crime No.291 of 2020, before the concerned Magistrate, within a period of two weeks from the date on which the order copy made ready and same shall be disbursed in favour of the Legal heirs of the deceased after issuing notice to them.

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

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

[g] 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 petitioner 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]**.

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

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

-sd/-
07/10/2020

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 PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
BANGALAPUDUR POLICE STATION, सत्यमेव जयते
ERODE DISTRICT.

+1CC to M/S. C.VASUDEVAN Advocate on payment of necessary charges SR NO.6721

CRL OP.14205/2020

Date :07/10/2020

MK:14/10/2020