

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

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

Crl.O.P.No.14339 of 2020

1.Sathya
2.Dharman

... Petitioners

Vs.

The State Rep. by
Inspector of Police
Thellar Police Station,
Thellar,
Tiruvannamalai District.
(Crime No.26 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with the case in Crime No.26 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 18.08.2020 for the offences punishable under **Section 174 Cr.P.C., altered to Section 304(i) IPC and Section 135(ii) of Indian Electricity Act, 2003, in Crime No.26 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant one Purushothaman is that on 04.02.2020, his father Rajendiran was found dead due to electrocution.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the alleged accident is stated to have taken place on 04.02.2020 and the petitioners were arrested only on 18.08.2020, He would further submit that some persons have electrified the field to hunt wild animals. Accidentally, the father of the defacto complainant got electrocuted since the wires were near the farm land of the petitioners and the petitioners were falsely implicated in this

case on suspicion and later they were arrested in this case after a lapse of six months. He would further submit that the petitioners belong to Irular community and they have only small land. He would further submit that they are in custody for the past one month and the petitioners are in no way connected with the crime.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners have electrified their fence to prevent wild animals. The defacto complainant's father who touched the fence accidentally got electrocuted and died on 04.02.2020. He would further submit that the investigation is pending.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined;

(b) Thereafter, 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 to the satisfaction of the **learned Judicial Magistrate, Vandavasi, within a period of two weeks from the date of 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 petitioners on their release from prison, shall report before the respondent police everyday at 10.30 a.m. for a period of three weeks and thereafter on every Monday at 10.30 a.m. until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-
21/09/2020

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, VANDAVASI

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THELLAR POLICE STATION, THELLAR,
TIRUVANNAMALAI DISTRICT.

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

CRL OP.14339/2020

Date :21/09/2020

GKS:23/09/2020