

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

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

CRL.O.P.No.16358 of 2020

Ananda Selvam @ Anandan

... Petitioner

Vs.

The State rep by

The Inspector of Police,

Uthiramerur Police Station,

Kancheepuram District.

(Crime No.1463 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1463 of 2020 on the file of the respondent.

For Petitioner : Mr.G.Magesh Kumar

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.09.2020 for the offences punishable under Section 304 Part II of IPC, in Crime No.1463 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Baby, the sister of the deceased is that her brother Muniappan got married to one Alamelu 10 years back and he has got one male child namely Ravi Varma, aged 8 years. Before seven years, the wife of her brother had deserted him and her brother was living with her. While so on 20.09.2020, the defacto complainant's brother had gone out of the house and on the next day, she was informed that her brother was found dead due to electrocution at R.S.No.4/1 in Survey No.9565, Pattancherry, Uthiramerur. Later, it was found that the petitioner had taken the land on lease and that he had electrified the fence illegally. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the farmers in the village have electrified their fields to prevent wild animals getting into the field and causing damages to the crops. He would submit that the petitioner has taken the land in R.S.No.4/1 in Survey No.9565, Pattancherry, Uthiramerur on lease and that he was not aware that the field was electrified. He would further submit that petitioner is a poor farmer aged 60 years and that without prejudice to his contention, the petitioner is prepared to deposit an amount of Rs.1,50,000/- to the credit of crime number within the time fixed by this Court and that he has no objection for depositing the amount infavour of the son of the deceased Ravi Varma since, the wife of the deceased has already deserted him. He would further submit that the petitioner has been suffering incarceration from 21.09.2020 and prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the lessee of the land in R.S.No.4/1 in Survey No.9565, Pattancherry, Uthiramerur, and he had illegally electrified the fence in the field and that the victim who got in touch with the fence, got electrocuted and died.

5.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration that the petitioner is prepared to deposit a sum of Rs.1,50,000/- to the credit of crime number and also considering the period of incarceration suffered by the petitioner from 21.09.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) to the credit of Crime No.1463 of 2020 and on such deposit, the petitioner ordered to be released on bail on condition to 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 learned Judicial Magistrate, Uthiramerur, and on further conditions that:

(b) 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;

(c) the petitioner on his release from prison shall report before respondent police everyday at 10.30 a.m. until further orders.

(d) on receipt of such deposit, the learned Magistrate on proper verification and identification, shall re-deposit the amount in a fixed deposit in any one of the Nationalised Banks in favour of the minor Ravi Varma (the son of the deceased), and the defacto complainant shall be the guardian to such deposit and the defacto

complainant shall be entitled to withdraw and use the quarterly interest accrued on the fixed deposit for the benefit and welfare of the minor.

(e) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(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 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];

(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/-
15/10/2020

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,
UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE JAILER
DISTRICT JAIL,
CHENGALPATTU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

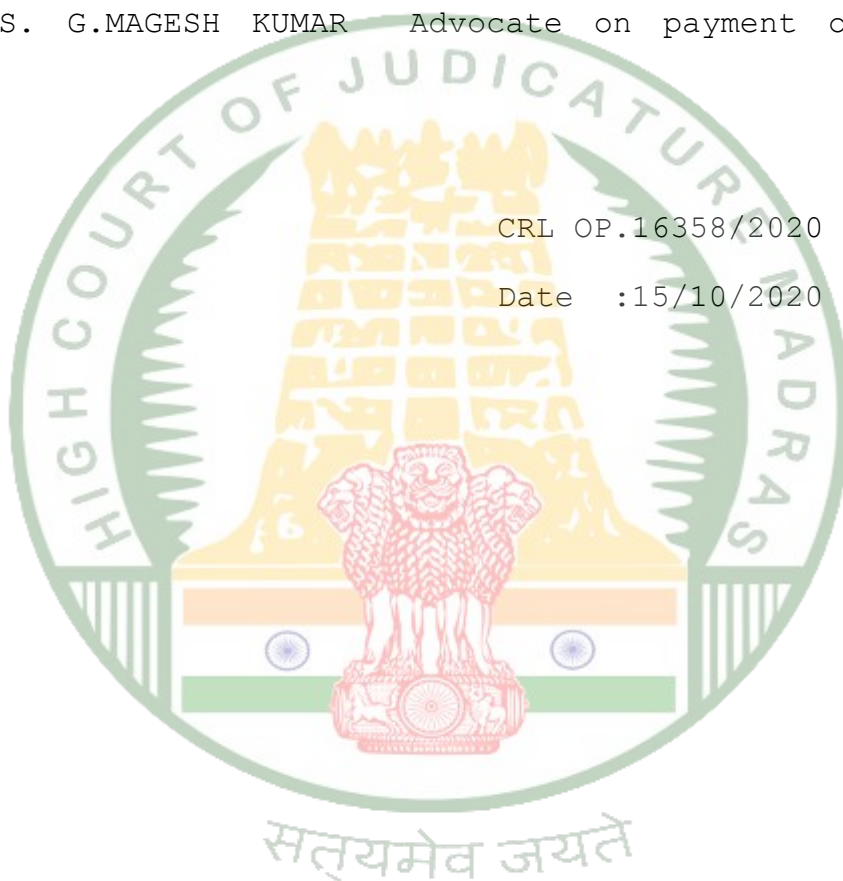
5 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. G.MAGESH KUMAR Advocate on payment of necessary
charges

cs 16/10/2020

CRL OP.16358/2020

Date :15/10/2020



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