



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 05/11/2020

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PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**

CRL OP(MD). No.12456 of 2020

Ramachandran

... Petitioner/3<sup>rd</sup> Accused

Vs

State Rep.by  
The Inspector of Police,  
Kabisthalam Police Station,  
Kabisthalam,  
Thanjavur District.  
Crime No.789/2020

... Respondent/Complainant

For Petitioner : M/s.S.Sankar,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

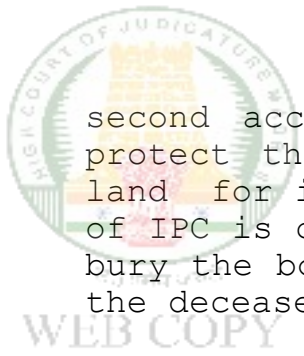
PRAYER :- For Bail in crime No.789 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under Sections Man missing @ 304(2), 201 of IPC r/w.135 and 138 of Electricity Act, 2003 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the accused persons are having own land and to protect their crops they have put up electrical fencing without the permission of the authorities concerned and the deceased was doing agricultural work adjacent to the land belonging to the accused persons and he went to the field for irrigation of his crops, he was electrocuted and died. Thereafter all the accused person buried the body of the deceased without informing to any one. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner never put up any electrical fencing only the first and



second accused put up the electrical fencing that too only to protect their crops. Unfortunately when the deceased went to the land for irrigation he was electrocuted and died. Insofar the 201 of IPC is concerned he never instigated the other accused persons to bury the body of the deceased and only A1 and A2 buried the body of the deceased.

4. The learned Government Advocate(Crl.Side) would submit that all the accused persons are land owners and all them have put up electrical fencing to protect their crops. The deceased is adjacent land owner and when he went to his land for irrigation of his crops he was electrocuted and died. Thereafter all the accused persons jointly buried the body of the deceased without informing to others. Hence he opposed to grant bail to the petitioners.

5. It is seen that there are three accused in this case and the petitioner herein is arrayed as A3. The petitioner herein along other two accused persons have put up electrical fencing only to protect their crops from wild animals. The deceased being the adjacent land owner when he went to his field he was electrocuted and died. Thereafter the accused persons have buried the body without informing to others. Insofar as the petitioner herein is concerned he is not the owner of the said land and he never put up any electrical fencing to protect the crops. It is also seen that the electrical fencing was put up only to protect the crops from wild animals and the accused persons have no intention to kill deceased. The only allegation is that they buried the body without informing to others

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Papanasam

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.



v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
05/11/2020

/ TRUE COPY /

/ /2020  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE, PAPANASAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, SUB JAIL, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE, KABISTHALAM POLICE STATION,  
KABISTHALAM, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.12456 of 2020  
Date : 05/11/2020

MS/PN/SAR-4/05.11.2020/3P.6C