

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1646 of 2021

Sivanna @ M.Sivasankar

... Petitioner

-Vs-

State Rep. by
The Inspector of Police,
Anchetty Police Station,
Anchetty, Krishnagiri District.
Crime No.116 of 2019

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.116 of 2019 pending on the file of respondent herein.

For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 304(2) of IPC and under Section 135 (1) (a) of Electricity Act, 2003, in Crime No.116 of 2019, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that, the petitioner is an agriculturist and the petitioner has put up a electric fence around his land at Kottaiyur Village in Denkanikottai, and connected the binding wire to main electricity line and when the deceased Krishnamma, she came into contact with the fencing, as a result of which, the deceased was electrocuted and died on 07.10.2019. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that, the petitioner is an agriculturist and put up electric fence without permission, the deceased Krishnamma crossing the fence electrocuted and died. He would further submit that there is no previous case pending as against the petitioner and the investigation is also completed.

5. Considering the facts and circumstances of the case and that the investigation is also completed and there is no previous case pending as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.116 of 2019, within a period of two weeks from the date on which the order copy made ready, and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate Court, Denkanikottai, Krishnagiri District, 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 learned Magistrate concerned, 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] before executing sureties, the petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.116 of 2019, before the concerned Judicial Magistrate, the learned Judicial Magistrate is directed to handover the amount to the victim family

[d] the petitioner shall appear before the respondent police as and when required for interrogation.

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

[f] 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.

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

-sd/-
22/02/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
DENKANIKOTTAI, KRISHNAGIRI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ANCHETTY POLICE STATION,
ANCHETTY, KRISHNAGIRI DISTRICT.

+1 CC to M/S T.SUNDARAVADANAM Advocate on payment of necessary charges SR NO. 2168

WEB COPY

CRL OP.1646/2021

Date :22/02/2021

MN-04/03/2021