

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1719 of 2021

1.Sakthivel
2.Mohan

... Petitioners

Vs.

State Rep. by the
Inspector of Police,
Pennagaram Police Station,
Dharmapuri District.
(Crime No.283 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with Crime No.283 of 2019 on the file of the Respondent.

For Petitioners : Mr. V.Sakkarapani

For Respondent : Mr.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 11.01.2021 for the offence punishable under Section 304 IPC r/w. 135(1)(a)(e) of Indian Electricity Act 2003 in Crime No.283 of 2019, seeks bail.

2. The case of the prosecution is that the petitioners have put up electric fencing in their land without getting proper permission from the concerned authorities, and on 04.09.2019, while the deceased was crossing their land, he was electrocuted. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that only after getting necessary permission from the Government, the petitioners have put up 12 volt Solar fence around their land and they have not committed any offence as alleged by the prosecution. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have unauthorizedly put up electric fence, due to which, the deceased was electrocuted and died succumbed to injuries. She would further submit that investigation is almost completed. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case and the fact that investigation is almost completed and also considering the period of incarceration suffered by the petitioner, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Pennagaram, 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 petitioners shall report before the respondent police as and when required for interrogation.

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

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

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

(g) 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];

(h) 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/-
05/02/2021

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 JUDICIAL MAGISTRATE,
PENNAGARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PENNAGARAM POLICE STATION,
DHARMAPURI DISTRICT.

CC to M/S.V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.1719/2021

MK:08/02/2021

Date :05/02/2021

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