

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirtieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7807 of 2021

VALARMATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
AVALUR POLICE STATION,
RANIPET DISTRICT
(CR.NO.56/2021)

For Petitioner : M/S.S.SAIRAMAN Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government Advocate (crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 304(2) of IPC, seeks anticipatory bail.

2. The case of the prosecution is that the deceased Kumar while doing building work in the petitioner house, died due to electrocution. The defacto complainant, who is the brother of the deceased, has lodged a complaint against the petitioner on 14.04.2021 at 8.30 P.M. Based on the complaint given by the defacto complainant, the respondent police registered an FIR in Crime No.56 of 2021.

3. The learned counsel appearing for the petitioner submits that the petitioner is innocent and he is no way connected with the offence as alleged by the prosecution. The learned counsel further submitted that the petitioner has already paid a sum of Rs.3,00,000/- as compensation to the family of the victim. He further submits that the petitioner, on his own volition, is willing to pay a further, sum of Rs.3,00,000/- to the family of the victim, within the time frame fixed by this Court and produce acknowledgement of payment thereof and, therefore, the petition may be allowed.

4. On the above contention, this Court heard the learned Government Advocate (Crl. Side) appearing for the respondents.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioner, on his own volition, is willing and ready to pay a further compensation of Rs.3,00,000/- to the family of the victim, this Court is inclined to grant anticipatory bail to the petitioner subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate I, Walajapet, 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 said Magistrate and on further condition that:

[a] the petitioner, as undertaken, shall pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only), within a period of two weeks from the date of receipt of copy of this order, as further compensation to the family of the victim and produce proof of payment of the said amount at the time of execution of bond before the learned Judicial Magistrate;

[b] 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.

[c] the petitioner shall report before the respondent police, as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/04/2021

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,
NO.I, WALAJAPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVALUR POLICE STATION,
RANIPET DISTRICT.

+1 CC to M/S.S.SAIRAMAN Advocate on payment of necessary charges
SR.No.5729

सत्यमेव जयते

CRL OP.7807/2021

Date :30/04/2021

cs 24/05/2021

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