



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8693 of 2021

1.Subramani
2.Suresh

... Petitioners/Accused No.1 & 2

Vs.

The State Rep by
The Inspector of Police,
Kilpennathur Police Station,
Kilpennathur,
Tiruvannamalai District.
(Crime No.137 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in Crime No.137 of 2021 on the file of the respondent.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.L.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioners are in custody since 23.04.2021 for the offences under Sections 174 Cr.P.C @ to 304(ii), 201 I.P.C r/w Section 135(1)(a) of Electricity Act, 2003.

3.The case of the prosecution is that the petitioners had unlawfully put up the electric fencing with which the deceased came into contact. The case of the defence is that petitioners are employees of the deceased.

4.Be that as it may, the continued incarceration of the petitioner is not going to serve any purpose. Hence, 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 separate 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 No.II, Tiruvannamalai, 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 not commit any offences of similar nature;

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

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

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
06/05/2021

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.



1 THE JUDICIAL MAGISTRATE NO.II
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT. (FOR INFORMATAION)

3 THE INSPECTOR OF POLICE,
KILPENNATHUR POLICE STATION,
KILPENNATHUR,
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

+1 CC to M/S.B.JAWAHAR Advocate on payment of necessary
charges SR.No. 5916

CRL OP.8693/2021

Date :06/05/2021

rg.07.05.2021