

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.9314 & 9338 of 2021

Crl.OP.No.9314 of 2021:

Gopinath

..Petitioner in Crl.OP.No.9314 of 2021

Crl.OP.No.9338 of 2021:

1. M.Palaniyappan

2. M.Arivazhagan

3. Selvakumari

..Petitioners in Crl.OP.No.9338 of 2021

-Vs-

The State Rep. by
The Inspector of Police,
Karuveppilankurichi Police Station,
Cuddalore District.
(Cr.No.105 of 2021)

..Respondent in both the petitions

Common Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of their arrest in Crime No.105 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.J.Jaihar David (in Crl.OP.No.9314/2021)
Mr.C.Paul Kanagaraj (in Crl.OP.No.9338/2021)

For Respondent : Mr.C.E.Pratap in both the petitions
Government Advocate (Criminal Side)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 304(ii) of IPC and section 135(1)(a) of Electricity Act 2003 in Crime No.105 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the on 11.05.2021, one Balakumar, son of the defacto complainant, after finishing the natural call, entered into the land of the accused persons to clean himself and he stepped on the electric wire kept to prevent the rat and died.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the

prosecution. However, on instructions, he further submits that as directed by this Court, one Pazhaniappan has deposited a sum of Rs.3,00,000/- (Rupees Three lakhs only) and one Gopi has deposited a sum of Rs.2,00,000/- (Rupees Two lakhs only) to the account of the parents of the deceased Balakumar. He further submitted that the petitioners viz., Arivazhagan & Selvakumar in CrI.OP.No.9314 of 2021 are not an accused in this case. Hence, the learned counsel prays to delete the name of the above said petitioners in the FIR and prays to grant anticipatory bail to the other petitioners concerned.

4.The learned Government Advocate submitted has no serious objection to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made on either side, I am inclined to grant anticipatory bail to the petitioners on certain conditions.

6.Accordingly, the petitioners are ordered to be released on 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-II, Virudhachalam on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m. until further orders;

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

(e)the petitioners 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/-

30/06/2021

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.II, VIRUDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KARUVEPPILANKURICHI POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.JAIHAR DAVID Advocate on payment of necessary charges

CC to M/S.R.C.Paul Kanagaraj Advocate on payment of necessary charges SR.7228

CRL OP.Nos.9314 & 9338 of 2021

सत्यमेव जयते Date :30/06/2021

RVR 13/07/2021

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