IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10073 of 2021

Ramasamy ... Petitioner

Vs

The State ... Respondent
represented by
SHO, Vanapuram Police Station,
(Cr.No.83 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.83 of 2021 pending on the file of the respondent.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

Heard both sides.

2. The petitioner/A1, who was arrested and remanded to judicial custody on 20.05.2021 for the offences punishable under Sections 304 (ii), 201 of IPC and Section 135 of the Indian Electricity Act, 2003 in Crime No 83 of 2021 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that the deceased is the husband of the de-facto complainant. He was the adjacent land owner of the petitioner. The petitioner illegally installed electrical fencing in and around of his land. While, the deceased went to his land, he touched with the fencing wire. Due to electrocution, he died. Hence, this complaint.

4. The learned counsel appearing for petitioner would submit that the petitioner installed electrical fencing on his land. Whereas, the body of the deceased was found in his land. Further he would submit that the investigation is completed and the respondent police laid the charge sheet. The petitioner has been in judicial custody from 20.05.2021. Hence, he seeks bail.

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5. The learned Government Advocate (Crl Side) would submit that the petitioner installed electrical fencing, without obtaining permission from the authority concerned. Without knowing the same, the deceased went his land. When the deceased touched with the fencing wire, he was electrocuted and died. That apart, the deceased body was thrown somewhere else in the land of the deceased.

6. It is seen that the petitioner illegally installed electrical fencing on his patta land. The deceased was an adjacent land owner. Without knowing the same, when the deceased touched the fencing wire, he was electrocuted and died. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on condition that he shall execute his own bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the Superintendent of the concerned prison;

[b] thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, before the concerned Magistrate within a period of fifteen days from the lifting of lock down and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

[c] 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.

[d] the petitioner shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m, until futher orders.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THANDARAMPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SHO,
VANAPURAM POLICE STATION,

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S.D.BASKAR Advocate on payment of necessary charges

CRL OP.10073/2021

Date :09/06/2021

TA-10/06/2021

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