

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.15525 of 2020

N.Murugan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Uthiramerur Police Station,
Kancheepuram District.
(Crime No.1464 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of her arrest in Crime No.1464 of 2020 pending on the file of the respondent.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 304 (ii) of I.P.C. in Crime No.1464 of 2020 on the file of respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is an agriculturist. He has illegally laid an electric fence, in which the defacto complainant's husband by name Kandharao was electrocuted and died. Hence, a criminal case was registered under Sec.304 of I.P.C. In the said circumstances, seeking anticipatory bail, the present petition has been filed.

3. Earlier, when this petition came up for hearing, the petitioner herein came forward to pay a sum of Rs.4,00,000/- to the victim family, and, the petitioner has already paid a sum of Rs.2,00,000/- to the victim family and he has agreed to pay balance sum of Rs.2 lakhs. Hence, the matter was adjourned. This court has also directed the police not to take any coercive steps against the petitioner.

4. Today, when the matter was taken up for hearing, the learned counsel appearing for petitioner had produced a receipt showing that the defacto complainant/wife of deceased has received another sum of Rs.2,00,000/- on 17.12.2020.

5. Considering the facts and circumstances of the case, and also the fact that due to some negligence, the accident has been taken place, this Court inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is 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 District Munsif cum Judicial Magistrate, Uthiramerur on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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 appear 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 petitioners 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];

[g] 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/-
08/01/2021

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 DISTRICT MUNSIF-CUM JUDICIAL MAGISTRATE,
UTHIRAMERUR

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges SR NO.291

CRL OP.15525/2020

Date :08/01/2021

MK:19/01/2021

WEB COPY