



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21144 of 2021

Subramani

... Petitioner

Vs.

The State rep. by Inspector of Police
Kadathur Police Station
Crime No.360 of 2021
Dharmapuri District

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.360 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 07.10.2021 for the offences under Sections 304(2) IPC and Section 138(1)(b) of Electricity Act 2003, in Crime No.360 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.10.2021, the defacto complainant's son who had gone for his work did not return home in the night. On 06.10.2021, the petitioner's daughter informed the defacto complainant that his son is lying in their land. The defacto complainant thought that he would have been lying in inebriated state. Whereas, when the defacto complainant went and saw her son, he was found dead and there was burn injuries in his hands and legs. Subsequently, she came to understand that the petitioner had electrocuted the fence for preventing the crops from Pigs and Rats and that the son of the defacto complainant died due to electrocution. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would submit that the son of the defacto complainant died for unknown reasons and that the petitioner has no electric fence around his field. He would further submit that the petitioner is a agriculturist and he has been suffering incarceration for about 40 days from 07.10.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate raised objection stating that the petitioner without any permission, had electrocuted the fence around his land due to which, the deceased got electrocuted and died. He would submit that the petitioner is the sole accused and the investigation is almost completed.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Pappireddipatti, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(e) 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;

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



7. Further, as per FIR, the deceased died due to electrocution and thereby, petitioner has been charged for the offences under Sections 304(2) IPC and Section 138(1)(b) of Electricity Act 2003. However, it is seen that the mother of the deceased/the defacto complainant who is aged about 71 years lost her son in the said occurrence. Hence, this Court recommends that it is a fit case to refer, as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Dharmapuri District, is hereby directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as interim compensation to the defacto complainant, in the manner known to law within a period of 6 weeks from the date of receipt of copy of this order.

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

-sd/-

16/11/2021

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,
PAPPIREDDIPATTI.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL AT DHARMAPURI.

4 THE INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
DHARMAPURI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



COPY TO

1 THE CHAIRMAN, LEGAL SERVICES AUTHORITY,
DHARMAPURI DISTRICT.

2 THE SECRETARY LEGAL SERVICES AUTHORITY,
DHARMAPURI DISTRICT.

3 THE LEGAL SERVICES AUTHORITY, DHARMAPURI.

+1 CC to M/S. R.PRABAKAR Advocate on payment of necessary
charges SR.NO.12826

CRL OP.21144/2021

Date :16/11/2021

RW 17/11/2021