



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

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

Crl.O.P.No.21508 of 2021

Mani @ Manikandan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.
Crime No. 313 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.313 of 2021 on the file of the respondent.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner who apprehends arrest for the alleged offence under Sections 304 (2) of IPC in Crime No.313 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that defacto complainant lodged a complaint before the respondent police that on 06.11.2021 at 8.30 a.m., one Mani who is the driver of the JCB bearing registration No.TN-23-BJ-4830 when he tried to remove the lorry from the mud, the deceased went to the spot in order to help to lift the lorry, the JCB bucket touched the electrical wire due to which, the electric wire got cut and fell at the hands of the victim, due to which, the husband of the defacto complainant died.

3. The learned counsel appearing for the petitioner submits that petitioner is the driver of the JCB, and he further submits that he is no way connected in the said alleged occurrence and he has been falsely implicated in this case and he is ready to abide by any stringent conditions that may be imposed by this Hon'ble Court. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. side) submits that petitioner is driver of the JCB. When he tried to remove the lorry from the mud, the deceased went to the spot in order to help to lift the lorry, the JCB bucket touched the electrical wire due to which, the electric wire got cut and fell at the hands of the victim, due to which, the defacto complainant's husband died. He further submits that investigation is still pending. Hence, he opposed for granting anticipatory bail to the petitioner.

5.Heard both sides. Perused an FIR and other papers placed before the Court.

6.On considering the future of the defacto complainant and her two children, who were in street suddenly, hence this Court is inclined to give an interim compensation under Victim Compensation Scheme 357(A) (1) (2(5) of Cr.P.C to the wife of the deceased/ the defacto complainant, accordingly this Court is hereby recommends Tamil Nadu State Legal Service Authority, Vellore to pay compensation of Rs.1,00,000/- (Rupees One Lakh only) as interim compensation to defacto complainant and her children within two months as per manner known to law.

7. Considering the facts and circumstances of the case as well as the nature of the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory 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 No.I Vellore, on condition that the petitioner shall execute 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 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)the petitioner and 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;

(b)the petitioner shall report before the respondent police on every Friday at 10.30 a.m. for a period of four 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 anticipatory 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.

-sd/-
18/11/2021

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,
NO.I, VELLORE, VELLORE DISTRICT.

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

3 THE INSPECTOR OF POLICE,
VELLORE TALUK POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



5 THE SECRETARY,
TAMIL NADU STATE LEGAL SERVICE AUTHORITY,
VELLORE.

6 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1 CC to M/S. G.NIRMAL KRISHNAN Advocate on payment of necessary
charges SR.NO.12969

CRL OP.21508/2021

Date :18/11/2021

RW 26/11/2021