



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

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

Crl.O.P.No.23943 of 2021

Murugan

... Petitioner

Vs.

The State represented by
Inspector of Police
Karimangalam Police Station,
Palacode Dharmapuri District,
Crime No.576 of 2021.

...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.576 of 2021 on the file of the Inspector of Police, Karimangalam Police Station, Dharmapuri District. .

For Petitioner : Mr.C.Prabakaran

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

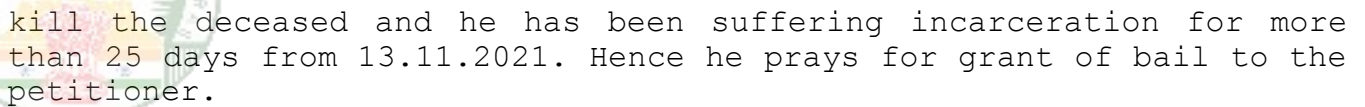
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.11.2021 for the offence under **Section 304(ii) of IPC**, in Crime No.576 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that de facto complainant's mother-in-law namely Thottiammal, aged about 65 years, went to her relative's house in the neighbouring village and when she was nearing the petitioner's house, she stepped on the live electric wire which ran on the pathway, connected by the petitioner to his old house to new house for construction purpose. Due to the said Electrocution, she was sustained injuries and immediately she was taken to hospital but it was reported brought dead. 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 petitioner has no motive to



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.

(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;

(c) the petitioner shall not tamper with evidence or witness 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;

<https://hcservices.ecourts.gov.in/hcservices/>



7. As per FIR, the deceased died due to electrocution and thereby, petitioner has been charged for the offence under Section 304(ii) IPC. On seeing the pathetic condition of the old lady who died without no false, 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.75,000/- (Rupees Seventy Five Thousand Only) as interim compensation** to the legal heirs of the deceased, in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order.

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

-sd/-
10/12/2021

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,
PALACODE, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
PALACODE, DHARMAPURI DISTRICT

5 THE OFFICER INCHARGE
DISTRICT JAIL, DHARMAPURI.

COPY TO

THE CHAIRMAN
LEGAL SERVICES AUTHORITY,
DHARMAPURI DISTRICT.



THE SECRETARY
LEGAL SERVICES AUTHORITY,
DHARMAPURI DISTRICT

THE LEGAL SERVICES AUTHORITY,
DHARMAPURI

+1 CC to M/S C.PRABAKARAN Advocate on payment of necessary
charges SR.NO.14513

CRL OP.23943/2021

Date :10/12/2021

TA-10/12/2021