



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Cr1.O.P.No.24828 of 2021

L.Jayapal

...Petitioner

Vs.

The State Represented by  
Sub-Inspector of Police,  
Kalambur Police Station,  
Thiruvananthapuram District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.884 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Venkat

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.11.2021 for the offence under Section 304(2) of IPC 1860, in Crime No.884 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 01.11.2021 at about 8.30 p.m, while the deceased was crossing the land of the petitioner, fell down from the Varappu and got into the electric wire fixed in the land of the petitioner and died on the spot. 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 and he has been falsely implicated in this case. He would submit that the occurrence had happened on 01.11.2021 and due to heavy rain and wind, some of the electric wires got damaged due to which, the electricity might have passed through his land and the petitioner had no intention to kill anybody and that, the petitioner had not fixed any electric wires in his land as stated by the prosecution. He would further submit that this is the second



application for bail and the earlier bail application was dismissed by this Court in Crl.O.P. No.22562 of 2021 dated 29.11.2021 and that the petitioner has been suffering incarceration for more than 45 days from 01.11.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise strong stating that due to negligence of the petitioner, the occurrence had happened and the young aged defacto complainant lost his wife during the electrocution.

5. Admittedly, the petitioner is the landlord of the land where the electric wire was fallen and negligently the deceased walked over the same and died due to electrocution. On seeing the entire facts of the case and considering the period of incarceration undergone by the petitioner and the fact that investigation is almost completed hence, this Court is inclined to grant bail to the petitioner.

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, Arani, 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 appear before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders.

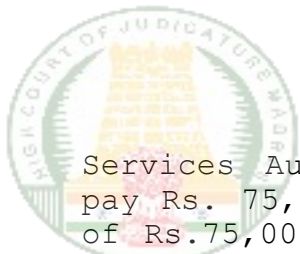
(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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 which passed through the land of the petitioner and thereby, the petitioner has been charged for the offence under Section 304(2) of IPC. It is seen that the children of the deceased who are aged about 2 and 1 years have lost their mother in the said occurrence. Hence, this Court recommends that it is a fit case to refer, as per 337(A) (1) (2) and (6) of Victim Compensation Scheme. The Legal



Services Authority, Thiruvananthapuram District, is hereby directed to pay Rs. 75,000/- to each minor children and ordered to deposit a sum of Rs.75,000/- each (Rs.1,50,000/- in total) in the name of the two minor children of the deceased under the guardianship of the de facto complainant viz. father of the minor children, in post office fixed deposit as interim compensation till they attain majority in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order. The de facto complainant viz. the father of the minor children shall to withdraw the interest amount to be utilized for the welfare of the children, until they attained majority.

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

-sd/-  
20/12/2021

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,  
ARANI, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,  
KALAMBUR POLICE STATION,  
TIRUVANNAMALAI DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

5 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

COPY TO

1 THE CHAIRMAN  
LEGAL SERVICES AUTHORITY, THIRUVANNALAI  
DISTRICT.



2 THE SECRETARY  
LEGAL SERVICES AUTHORITY,  
THIRUVANNAMALAI DISTRICT.

WEB COPY  
3 THE LEGAL SERVICES AUTHORITY,  
THIRUVANNAMALAI DISTRICT.

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

+1CC to M/S.K.VENKAT Advocate on payment of necessary charges  
SR.NO.15090

CRL OP.24828/2021

Date :20/12/2021

CSK 21/12/2021