



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24978 of 2021

1.Ilaiyaraja
2.Veeran
3.Ayyanar

... Petitioners

Versus

State Rep by
The Inspector of Police
Vadaponparappi Police Station,
Kallakurichi District.
(Crime No.412 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure prayed to grant anticipatory bail to the petitioners in the event of their arrest in Crime No.412 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr.E.Kannadasan

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

ORDER

The petitioners, who apprehends arrest for the alleged offences under Section 304(2), 201 of IPC in Cr.No.412 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the on 11.12.2021, when the defacto complainant received an information about the death of her brother was found dead due to electrocution on the Sugarcane field of one Duraikannu and on receipt of intimation, the defacto complainant went there, on enquiry she came to know that A1 has done a fencing on electric wire around the farm for preventing the rat and pig from damaging their crops and on the date of alleged occurrence, the deceased went to attend his nature's call, he crossed the land and he got electrocuted and died, later the petitioners taken the body of the deceased and drop it to the nearby land. Hence, the complaint.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.15,000/- to any Charitable Institute as may be directed by this Court Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that deceased died due to the electrocution and the same was hide by the petitioners. Hence, he vehemently opposed for granting anticipatory bail to the petitioners. He further submits that investigation was almost completed.

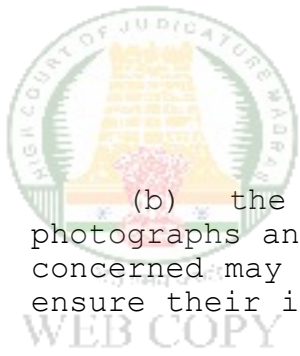
5.On considering the future of the victim's family, hence this Court is inclined to give an interim compensation under Victim Compensation Scheme 357(A) (1) (2(5) of Cr.P.C to the defacto complainant, accordingly this Court is hereby recommends Tamil Nadu State Legal Service Authority, Kallakurichi to pay compensation a sum of Rs.50,000/- (Rupees Fifty Thousand only) as interim compensation to defacto complainant as per manner known to law.

6. On seeing the entire facts the deceased was died due to electrocution and the petitioners are said to have only helped A1.

7. Considering the facts and circumstances of the case and also the considering the submissions made by both counsel and also the fact that petitioners have willfully and on their own volition agreed to contribute a sum of Rs.15,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sangarapuram, on condition that the petitioners shall execute a separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the Legal Service Authority, Kallakurichi District within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;



(b) the petitioners 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;

(c) the petitioners shall appear before the respondent police on every Wednesday at 10.30a.m., for a period of four weeks and thereafter as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners 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;

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

-sd/-
21/12/2021

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,
SANGARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VADAPONPARAPPI POLICE STATION,
KALLAKURICHI DISTRICT



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
LEGAL SERVICE AUTHORITY
KALLAKURICHI DISTRICT.

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

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR.NO.15254

CRL OP.24978/2021

Date :21/12/2021

JPA 23/12/2021