



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25360 of 2021

1.Muthukumar  
2.Seethapathi

...Petitioners

Versus

The State Rep by  
The Inspector of Police,  
Thirunavalur Police Station,  
Villupuram District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest by the respondent police in Crime No.235 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Udhayakumar

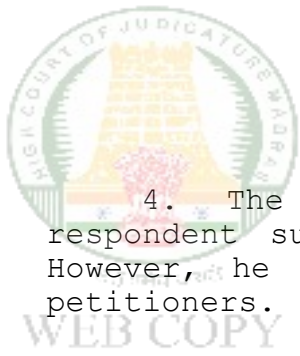
For Respondent : Mr.N.S.Suganthan  
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 304(2), 147, 201 of IPC 1860 r/w Section 135(1)(a) of the Electricity Act 2003, in Crime No.235 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 31.03.2020 by early morning, the deceased went to forest for hunting rabbits. At that time, the deceased fell over the electric fencing set up around the land owned by one Kumar and due to electrocution, the deceased died on the spot. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the first petitioner is the son-in-law of the said Kumar, who is the land owner, a false case has been given. The learned counsel, on instructions, would further submit that the petitioners, without prejudice to their rights, are ready to deposit the amount of Rs.20,000/- to the credit of the crime number. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The Government Advocate (Crl.Side) appearing for the respondent submitted that the investigation is almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the alleged occurrence in the year 2020 and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 copy of this order, before the learned Judicial Magistrate No.II, Ulundurpet, on condition that the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Cr.No.235 of 2020 before the learned Judicial Magistrate No.II, Ulundurpet, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the said amount may be disbursed to the deceased family as interim measure, within a period of two weeks thereafter;

[b] the petitioners and 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 petitioners are directed to appear before respondent police on every Saturday at 10.30 a.m., until further orders. .

[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 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].



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-  
23/12/2021

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,  
NO.II, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE  
VILLUPURAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
THIRUNAVAILUR POLICE STATION,  
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S UDHAYAKUMAR R. Advocate on payment of necessary charges

CRL OP.25360/2021

Date :23/12/2021

CSK 04/01/2022