



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12988 of 2021

1.Pitchai
2.Tamilarasan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
Nachiyarkovil Police Station
Thanjavur District
Crime No.950 of 2021

... Respondent/Complainant

For Petitioners : Mr.M.KARUNANITHI,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.950 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who were arrested on 23.07.2021 for the offence under Sections 304(ii) and 201 I.P.C., in Crime.No.950 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the petitioners are father and son. The first petitioner has engaged the deceased for doing electrical works. While discharging the duty, the deceased died due to electrocution. But, the first petitioner with the help of his son created an impression as if the deceased died due to snake bite. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the



petitioners are inside the prison from 23.07.2021 and hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions, would submit that the investigation is almost over and they are waiting for chemical analysis report.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, the stage of investigation and also the period of incarceration, this Court is inclined to grant bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail on their executing a bond 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 learned Judicial Magistrate NO.II, Kumbakonam 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 petitioners shall appear before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/09/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE SUPERINTENDENT
CENTRAL PRISON, PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
NACHIYARKOVIL POLICE STATION
THANJAVUR DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.12988 of 2021

Date : 07/09/2021

SA/VR/SAR.2/07.09.2021/3P/6C