



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

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

CrI.O.P.No.420 of 2022

Muniyan

...Petitioner

Vs.

State, Rep. By
Inspector of Police,
Vadaponparappi Police Station,
Kallakurichi District.
[Crime No.412/2021]

...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.412 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Karthik

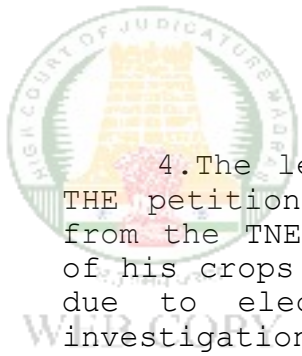
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offences under **Sections 304(II), 201 of IPC** in Crime No.412 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the occurrence day, the petitioner along with other accused without getting permission from the TNEB put up electric fence around his field for protection of his crops and while the deceased person came into contact with it, due to electrocution, he died. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that he has been suffering incarceration for more than 25 days from 13.12.2021. However, on instructions, he submits that the petitioner without prejudice to his rights, on his own volition, is ready to deposit a sum **Rs.50,000/-** to the credit of Crime No.412 of 2021.



4. The learned Government Advocate raised objection stating that THE petitioner along with other accused without getting permission from the TNEB put up electric fence around his field for protection of his crops and while the deceased person came into contact with it, due to electrocution, he died. He further submits that the investigation was almost completed.

5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner is ready to deposit a sum of **Rs.50,000/-** to the credit of Crime No.412 of 2021, this Court is inclined to grant bail to the petitioner with certain conditions;

(a) **the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;**

(b) the petitioner is directed to deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** to the credit of Crime No.412 of 2021 before the **learned Judicial Magistrate, Sankarapuram** and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of **Rs.50,000/-** on proper identification and acknowledgment;

(c) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the **learned Judicial Magistrate, Sankarapuram within 15 days from the date of commencement of the Court's normal functioning**, failing which, the bail granted by this Court shall stand dismissed automatically;

(d) 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;

(e) **the petitioner shall report before the respondent police on everyday at 10.30 a.m. until further orders;**

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



(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;

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

-sd/-
10/01/2022

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,
SANKARAPURAM, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAPONPARAPPI POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, ULUNDURPET.

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

CRL OP.420/2022

Date :10/01/2022

TA-11/01/2022