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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.773 of 2022

Anbazhagan

...Petitioner

Vs.

State rep. by
Inspector of Police,
Periyathachur Police Station,
Villupuram District.
(Crime No.236 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.236 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 31.12.2021 for the offences under Section 304(II) of IPC r/w 135 (1)(a) of Electricity Act in Crime No.236 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused without getting permission from TNEB put up electrical fence around his field for protection of his crops and while the deceased person came into contact with it, the deceased died due to electrocution leaving behind his two children. 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 she has been falsely implicated in this case and that she has been suffering incarceration from 31.12.2021. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Crime Number 236 of 2021 and he would pray for grant of bail to the petitioner.



4.The learned Government Advocate raised objection stating that due to the said act of the petitioner, the deceased had lost his life leaving behind his two children. He further submits that the investigation was almost completed.

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5. Considering the facts and circumstances of the case and the submissions made by both counsel and also considering the period of incarceration undergone by the petitioner and the investigation was almost completed and also the fact that the petitioner has willfully and on her own volition agreed to contribute a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of the Crime Number;

(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.1,00,000/- (Rupees One Lakh only) to the credit of Crime Number 236 of 2021 and on such deposit, and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.1,00,000/- 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-II, Thindivaram within 15 days from the date of commencement of the Court's normal functioning,

(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 daily 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/-

12/01/2022

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,
NO.II, THINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
PERIYATHACHUR POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, VEDAMPATTU

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

CRL OP.773/2022

Date :12/01/2022

RVR 19/01/2022