



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3491 of 2022

SITRARASU

[PETITIONER / ACCUSED]

Vs

STATE BY INSPECTOR OF POLICE
MAILAM POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.185 OF 2019

[RESPONDENT]

For Petitioner : K.SUBBURAM Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under sections 304(ii) IPC and 135(1)(a) of Electricity Act, 2003, in Crime No.185 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police that his grandfather got electrocuted and died on the spot in the electric fence put up by the petitioner without valid permission from the TNEB authorities. Hence, the respondent police registered a case in Crime No.185 of 2019 for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that investigation has been completed for the present case and final report has also been filed. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objections stating that the offence committed by the petitioner is a heinous one. However, as of now, investigation for the present case has been completed and final report has also been filed before the trial Court.

5. The submissions made by the learned Counsel appearing on either sides are considered.

6. The averments found in the FIR shows that, during the relevant point of time, without getting any permission from the TNEB, the petitioner had put up Electric Fence. In other wise, he has no intention to kill the deceased.

7.Taking note of all the above aspects into consideration and on having regard to the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate II, Tindivanam on condition that the petitioner shall execute a 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 and on further condition that:

(a) the petitioner and the sureties shall affix his 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;

(b) the petitioner shall report before the trial Court daily at 10.30.a.m., for a period of fifteen(15) days and thereafter as and when required for interrogation.

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

(d)the petitioner 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 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;



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

-sd/-
14/02/2022

WEB COPY

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, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to K.SUBBURAM Advocate on payment of necessary charges

CRL OP.3491/2022

Date :14/02/2022

JPA 18/02/2022