



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.4250 of 2022

Nagaraj

... Petitioner /A-1

versus

State rep. by its:-
The Inspector of Police,
Uddanappalli Police Station,
Krishnagiri District.
(Crime No.15 of 2022)

... Respondent /Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.15 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mrs.G.V.Kasthuri

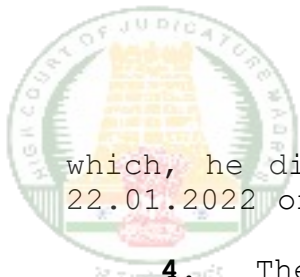
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.01.2022 for an offence punishable under **Section 304(2) of IPC** in Crime No.15 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner has put up an electric fence around his agricultural land. On 12.01.2022, the deceased went to the petitioner's land and touched the electric fence and due to electrocution, he died. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without any intention only in order to safeguard the agricultural property, the petitioner put up the electric fence wherein during the time of occurrence, the deceased has touched the same and as a result of



which, he died. Further, the petitioner is in judicial custody from 22.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending.

5. Considered the submissions made by the learned counsel on either side. The averments found in the First Information Report would disclose the fact that before the occurrence, the petitioner herein put up the electric fence for safeguarding his agricultural products. The deceased being the brother, neighbouring land owner, without seeing the electric fence, fell down and as a result of which, the present occurrence had happened. Whether the petitioner is having knowledge in respect to the present offence is a matter for trial.

6. Therefore, taking note of all the above said aspects into consideration particularly considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Hosur;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.00 a.m. for a period of thirty days and thereafter, as and when required for interrogation;

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

(e) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

WEB COPY

-sd/-
21/02/2022

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, HOSUR, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDDANAPPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.4250/2022

Date :21/02/2022

TA-22/02/2022