





3. The learned counsel appearing for the petitioner submitted that the petitioner in order to protect his crops from animals, had put up electric fencing without knowing the consequences and unfortunately, the father of the defacto complainant entered into the land and suffered electrocution and died. He would further submit that on coming to know about the incident, the petitioner paid a sum of Rs.5 lakhs to the family of the defacto complainant and subsequently, the parties have also amicably settled the issues. In addition to the same, the petitioner is also prepared to pay Rs.1,00,000/- to the the defacto complainant's family. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the father of the defacto complainant died due to electrocution from the illegal electric fencing installed by the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the nature of offence and the payment of compensation of Rs.5 lakhs made by the petitioner and also his willingness to pay an additional sum of Rs.1 lakh to the family of the deceased, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner is directed to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the defacto complainant and 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, Thiruthani, on further condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police as and when required for interrogation.

[c]the petitioner shall not tamper with the 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 is 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 229-A IPC.

-sd/-

01/06/2022

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,  
THIRUTHANI.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
KANAKAMMACHATHHIRAM POLICE STATION,  
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S R.JAYAPRATHAP Advocate on payment of necessary charges SR.NO. 8424

CRL OP.13074/2022

Date :01/06/2022

RW-03/06/2022