



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.14229 of 2022

Moorthi

..Petitioner/ sole accused

Vs.

State Rep. by
The Inspector of Police,
Valapandal Police Station,
Ranipet District
crime No.87 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.87 of 2022 on the file of the respondent police.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.06.2022 for the offence punishable under Section 174 of Cr.P.C. altered into Sections 304(ii), 201 of IPC in crime No.87 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that one, Pichandi suddenly died on 10.04.2022 and his dead body was found near one, late Ranganathan's land and a case was registered on the same day under Section 174 of Cr.P.C. at the instance of a complaint given by the son of the deceased. On 07.06.2022, the case was altered into Sections 304 (ii), 201 of IPC on the ground that the death may have caused due to electrocution because of the live wires in the petitioner's land.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a innocent person and he has been falsely implicated in this case. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner had electrified the fence of his land in order to safeguard the land from wild animals. On the date of occurrence, the deceased went to that place for grazing the cattle. At that time, due to electrocution he died. Thereafter, the petitioner threw the body of the deceased into another person's nearby land. Hence, he vehemently opposed to grant bail to the petitioner.

5. It is seen that the petitioner, who is aged about 63 years, owns a land and he fenced his property by electric wires to protect the crops from the wild animals. Unfortunately, the deceased went there for grazing his cattle, where he was electrocuted and he died. Thereafter, the petitioner with intention to screen the evidence, he threw the body into another person's land. However, the petitioner failed to obtain any permission to put up electric fencing though it was erected to protect the crops from the wild animals. The petitioner was arrested and remanded to judicial custody on 07.06.2022.

6. Considering the above facts and circumstances of the case and also the age of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Arcot and on further conditions that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

-sd/-

21/06/2022

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,
ARCOT

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
VALAPANDAI POLICE STATION,
RANIPET DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, WALAJAHPET,
RANIPET DISTRICT.

CC to M/S M.GURUPRASAD Advocate on payment of necessary charges
Sr.9656

CRL OP.14229/2022

Date :21/06/2022

RVR 21/06/2022