



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

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

Crl.OP.No.15342 of 2022

Muthu

.. Petitioner/sole accused

Vs.

The State rep.by  
Inspector of Police,  
Marandahalli Police Station,  
Dharmapuri 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 pending investigation on the file of the respondent police.

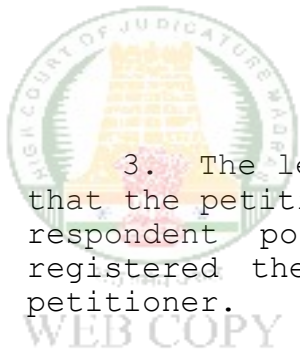
For Petitioner : Mr.C.Prabakaran

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.05.2022 for the offence punishable under Section 304(ii) 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 the petitioner had fenced his land and also electrified the same. When the defacto complainant, the deceased and another went that side, due to the electric shock, the deceased was injured and he was taken to hospital, where he was declared dead. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner has not involved in the alleged occurrence and the respondent police only with a view to harass the petitioner, registered the false case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that after the occurrence, the injured was taken to hospital. Thereafter, he died. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by 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 sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Dharmapuri 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. for a period of two 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.

WEB COPY

-sd/-  
04/07/2022

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 PRINCIPAL SESSIONS JUDGE,  
DHARMAPURI

2 THE INSPECTOR OF POLICE,  
MARANDAHALLI POLICE STATION,  
DHARMAPURI DISTRICT

3 THE OFFICER INCHARGE  
DISTRICT JAIL, DHARMAPURI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR.NO.10547

CRL OP.15342/2022

Date :04/07/2022

JPA 04/07/2022