



Crl.O.P.No.23243 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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Vedhamanickam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi.
(Crime No.318 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to pass an order enlarging the petitioner on bail in Crime No.318 of
2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.I.Calvin Jones

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 04.08.2022, for the offences punishable under Sections 304(2) and 201 of



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IPC and Section 135(1)(a) of Electricity Act, 2003, in Crime No.318 of 2022
on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally fenced his agricultural land and the defacto complainant's husband has got in touch with electrical fence and died on the spot. The petitioner in order to screen the offence, had put the body in the nearby land. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an Agriculturist by profession and that to prevent the animals from destroying the crops, fixed electrical fence. He would also submit that no intention on the part of the petitioner to cause the death of the victim. He would further submit that without prejudice to his contentions, the petitioner is prepared to deposit a sum of Rs.1,00,000/- to the credit of the Crime No.318 of 2022 and the petitioner has no objection in the amount being released in favour of the wife of the deceased/defacto complainant. He would further submit that the petitioner is aged 67 years and he is in custody from 04.08.2022. Therefore, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the



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respondent police would submit that the petitioner had fixed illegal electric fencing in his agricultural field and the defacto complainant's husband/victim has got in touch with electrical fence and died on the spot. He would also submit that the petitioner has thrown the body on the next field in order to escape from the offence. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts of the case, the submissions made by the learned counsel and also taking note of the fact that the petitioner is prepared to deposit a sum of Rs.1,00,000/- to the credit of the Crime No.318 of 2022 and also the age of the petitioner and that he is in custody from 04.08.2022, this Court is inclined to grant bail to the petitioner with certain conditions. However, it is made clear that merely, because the petitioner have deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case



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independently.

7. Accordingly, the petitioner is ordered to be released on bail on condition to make a non refundable deposit of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of the Crime No.318 of 2022, without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Principal Sessions Judge, Villupuram**, 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., until further orders;

[c] the petitioner shall deposit a sum of **Rs.1,00,000/-** to the credit of the Crime No.318 of 2022 before the trial Court and the learned trial Judge,



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after due verification, shall release the amount of Rs.1,00,000/- in favour of the defacto complainant.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]*;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To
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1. The Principal Sessions Judge, Villupuram.
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi.
3. The Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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