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Crl.O.P.No.25939 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25939 of 2022

Rajasekar @ Rajasekaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ulundhurpet Police Station,
Kallakurichi-District
Crime No.462 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with Cr.No.462 of
2022 on the file of the respondent police.

For Petitioner : Mr.T.Meganathan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.09.2022 for the offences punishable under Section 308 IPC in connection with Cr.No.462 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused have electrocuted the defacto complainant by illegally electrifying the fence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 and he is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner along with other accused have put up an electric fence to avoid animals entry in his agricultural land. He would further submit that the other accused persons were granted anticipatory bail by this Court in Crl.O.P.No.23986 of 2022. Hence, he prays to grant bail to the petitioner.

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



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respondent would submit that the petitioner have illegally electrified the fence without permission and the defacto complainant got electrocuted. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsel for both sides. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Ulundhurpet, Kallakurichi Distirct**, 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 appear before the



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respondent police daily at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

20.10.2022

Anu



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To

1. The Judicial Magistrate-I, Ulundhurpet,
Kallakurichi District.
2. The Inspector of Police,
Ulundhurpet Police Station,
Kallakurichi-District
3. The Superintendent,
Sub Jail,
Kallakurichi
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA., J.



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