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CrI.O.P.No.28884 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

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

CrI.O.P.No.28884 of 2022

Annamalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vadaponparapi Police Station,
Vellore District.

(Crime No.219/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.219
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Saravanabhavan

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 06.11.2022, for the offences punishable under Sections 174(i) of Cr.P.C @ 304(ii) of IPC r/w Section 135(i)(e) of I.E.Act 2003 in Crime No.219 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Sanjaigandhi is that the petitioner without taking safety measures had put up a wedding pavilion and electricity connection, resulting in, the electrocution of the defacto complainant's son, who is aged about 5 years old and died. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the incident has happened due to stagnation of water and heavy rain. He would submit that the petitioner has taken all the safety measures and the incident has happened unfortunately. He would further submit that the petitioner is only the owner of the wedding pavilion service and the electricity connection was put up by his employees.



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However, he would submit that the petitioner is in custody from 06.11.2022 and without prejudice, the petitioner undertakes to deposit a sum of Rs.2,00,000/- to the credit of Crime No.219 of 2022 and he has no objection in the amount being handed over to the defacto complainant who is the father of the victim as *ex gratia* payment. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a wedding pavilion contractor and the petitioner along with his employees had obtained the electricity connection from the street light electric post, during that time, they had left the live wire open and thereby, the electrocution passed on the defacto complainant's son as a result of which, 5 years old child died. Hence, he vehemently opposed for grant of 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 including the First Information Report.



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6.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and the undertaking given by the petitioner that he is ready to deposit a sum of Rs.2,00,000/- to the credit of Crime No.219 of 2022, 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 condition to make a non refundable deposit of **Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.219 of 2022**, without prejudice to his rights and contentions before the Magistrate Court, on such deposit, 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, Sankarapuram** 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;



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[b]the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.219 of 2022, before the concerned Magistrate, at the time of surrender and the learned trial Judge shall disburse the amount to the defacto complainant/who is the father of the victim child.

[c] the petitioner shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[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

- 1.The Judicial Magistrate,
Sankarapuram.
- 2.The Inspector of Police,
Vadaponparapi Police Station,
Vellore District.
- 3.The Sub Jail,
Kallakuruchi
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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