



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.72 of 2022

M.Seeniyappan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Crime No.104 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimuthuarasu,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-For Bail in Crime No.104 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 17.12.2021 for the alleged offence under Sections 174 Cr.P.C altered into Sections 304(ii) and 201 of IPC in Crime No.104 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.10.2021 at about 05.00 p.m., when the deceased went to take bath in the agricultural land of the petitioner, due to electric shock, he died. Hence, the complaint as if the petitioner is the responsible for the electric shock.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. When the petitioner went to his field, the deceased was in unconscious condition. Hence, he informed the defacto complainant who is the father of the deceased and took him to the hospital, where he declared dead. This is because of electrocution from the pump set. The petitioner is no way

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time, there was some leakage in the motor pump set, for which the petitioner cannot be fixed with the criminal liability.

4.The learned Government Advocate (Crl. Side) submitted that initially the case was registered under Section 174 Cr.P.C. Later it was altered into Sections 304(ii) and 201 of IPC. This is due to the negligence on the part of the petitioner in non maintenance of the pump set.

5.Considering the period of incarceration and the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate No.I, Srivilliputhur and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
05/01/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
SRIVILLIPUTHUR
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
NATHAMPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.72 of 2022
Date :05/01/2022

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