



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/01/2022
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD).No.706 of 2022

Sakthivel ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
Cr.No.283 of 2021.

... Respondent/Complainant

For Petitioner : Mr.ILANGO.M.E. Advocate.

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

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

PRAYER :- For Bail in Crime No.283 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 29.11.2021 for the offence punishable under Section 304(2) of IPC, in Crime No.283 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the father of the deceased. The accused had put up electrical fence in his Farm without getting any permission from the authorities. Due to electrocution, the son of the defacto complainant namely, Karuppasamy died. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner is in judicial custody from 29.11.2021 and hence, he seeks for grant bail.

4.The learned Government Advocate (Crl.side) submitted that this is the second bail application. Earlier application filed by the petitioner was dismissed on the ground that the allegation is serious in nature. He further submitted that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and considering the fact that the petitioner is in judicial custody from 29.11.2021 and also considering the age of the petitioner, this



Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Thirumangalam, 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 30 days and thereafter as and when required.

[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.

sd/-

12/01/2022

/ 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, THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 cc to Mr.M.E.ILANGO Advocate, SR.No.206

WEB COPY

ORDER

IN

CRL OP (MD) No.706 of 2022

Date :12/01/2022

SA/PN/SAR.4/12.01.2022/3P/7C