



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9751 of 2022

Sellapandi @ Chellapandian

... Petitioner/Sole Accused

Vs.

The State rep.by
The Inspector of Police,
Thiruppuvanam Police Station,
Madurai District.
(Crime No.153 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Pon Karthikeyan, R. Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.P.Samuel Gunasingh, Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.153 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 304 (2)IPC, in Crime No.153 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 24.05.2020, the defacto complainant's son, namely, Karuppuchamy and his friends Shanmugam, Saravanan and one Ramar went for fishing at Konthagai Pond and while they were returning to home through the agricultural field of the petitioner, unfortunately, the defacto complainant's son was in contact with the illegal electric fence erected by the



petitioner and fell down immediately thereafter, he was taken to the Hospital and he was declared dead. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the investigation is pending.

5. The defacto complainant had appeared in person and filed an affidavit that the petitioner had agreed to pay a sum of Rs.7,00,000/- as ex-gratia to the defacto complainant within a period of ten days and he has no objection to grant anticipatory bail to the petitioner and the petitioner has also filed an affidavit to that effect.

6. Considering the nature of the charges levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents and also taking note of the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner shall pay a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) to the defacto complainant and on production of such receipt/acknowledgment, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirupuvanam on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and 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 weekly twice i.e, on every Saturday and Sunday at 10.30 am until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

15/06/2022

/ TRUE COPY /

21/06/2022

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

das

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,
THIRUPPUVANAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PON KARTHIKEYAN R Advocate SR.No.5555

ORDER

IN

CRL OP(MD) No.9751 of 2022

Date :15/06/2022