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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.16746 of 2022

1. Kali
2. Velladurai ... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
Crime No.630 of 2020.

... Respondent/Complainant

For Petitioners : M/s.Venkatesh D,
Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

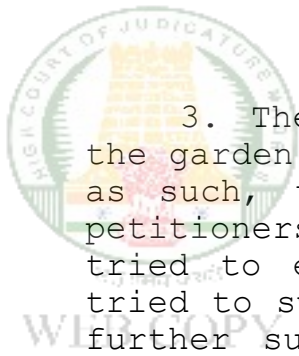
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.630 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 304 and 176 of IPC, in Crime No.630 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the garden, which belongs to the second petitioner is situated in S.No.805/1 at Avudaiyalpuram. The second petitioner is cultivating the said land. On 09.12.2020, the defacto complainant, namely, Masanam, Village Administrative Officer, Kambaneri, Pudukudi Village, received an information that one Mahesh, S/o.Mukkan was found dead in the said garden. When the defacto complainant visited the occurrence place, he came to know that the relatives of the deceased taken away the body and buried the same. Since the death occurred due to electrification, the said complaint came to be lodged.



3. The learned counsel for the petitioners would submit that the garden land of the second petitioner is situated near forest and as such, to prevent damages to be caused by the wild boar, the petitioners erected fence with mild electric supply. The deceased tried to enter into the garden for committing theft. Hence, he tried to switch off the main power supply, but he died. He would further submit that the petitioners have nothing to do with the death of the deceased and they are innocent person and they did not commit any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit there are seven accused in this case. The petitioners herein are A1 and A2 and in this case and eight witnesses have been examined so far. He would further submit that the co-accused were granted anticipatory bail by the Sessions Court and the major part of the investigation is over.

5. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that the co-accused were granted anticipatory bail by the Sessions Court and major part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 conditions that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

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

(d) the petitioners 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 petitioners in accordance with law as if the



conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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

TO

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

+1 CC to M/s.D.VENKATESH, Advocate (SR-11302[I] dated 13/10/2022)

ORDER

IN

CRL OP(MD) No.16746 of 2022

Date :12/10/2022

CP

MK/SSS/SAR.II/19.10.2022/3P/6C