



Crl.O.P.No.826 of 2023

T.V.THAMILSELVI,J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 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 anticipatory 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 passed on 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, who is an employer of the wedding pavilion service, 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 also submit that the owner of the wedding pavilion service has already paid a



sum of Rs.2,00,000/- to the defacto complainant who is the father of the victim. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is an employee of wedding pavilion service and the petitioner along with his ownder 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 as well as the learned Government Advocate and perused the entire materials available on record including the First Information Report.

6.Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the owner of the wedding pavilion service has already paid a sum of Rs.2,00,000/- to the defacto complainant, this Court is inclined to grant



anticipatory bail to the petitioner with certain conditions.

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7. Accordingly, 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 on which the order copy made ready, before the **learned Judicial Magistrate, Sankarapuram**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, out of which, one must be a lood surety each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 every Sunday at 10.30 a.m., for a period of eight weeks.



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[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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