



Crl.O.P.No.1562 of 2023

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T.V.THAMILSELVI, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 337 of IPC and Section 135(1) (a) of Electricity Act 2003 in Crime No.6 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners have agricultural land in the Vellaiyampattu Village, since animals and wild birds and deer's caused damage to their agriculture land, for which the petitioners fixed electrical fence in order to prevent animals from destroying the crops. On 06.01.2023 the defacto complainant's husband and her sons went to their land at the time they were sustained electrocution and admitted from the hospital . Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have falsely



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implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) would submit that the victim is discharged from the hospital. He further submit that there are totally three accused, the petitioners are arrayed as A1 to A3. Hence, he opposed to grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioners have willfully and on their own violation agreed to contribute some amount for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to deposit totally a sum of **Rs.30,000/- (Rupees Thirty Thousand Only)** to the credit of **Crime No. 6 of 2023** within a period of three weeks from the date on which the order copy made ready, and on such deposit the petitioners



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are ordered to be released on bail in the event of arrest or on their appearance, before the learned **Judicial Magistrate, Gingee** on condition that the petitioners shall execute a 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 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 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 deposit totally a sum of **Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.6 of 2023 within a period of three weeks** from the date on which the order copy made ready. The defacto complainant is permitted to withdraw the said amount.

[c] the final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[d] **the petitioners shall appear before the respondent police on every Tuesday at 10.30 a.m., for a period of eight weeks and**



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thereafter, as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] 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]**.

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

25.01.2023

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