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Crl.O.P.No.7704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.7704 of 2023

M.Suburayan

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Pudupettai Police Station
Cuddalore District.

(Crime No.100 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.100 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : M/s.D.Kalaiselvi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)

For Intervener : Mr. R.Chakkaravarthy



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Crl.O.P.No.7704 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 04.03.2023, for the offences punishable under Sections 304(1) & 201 of IPC, in Crime No.100 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had illegally electrified the fence in his agricultural land and the victim, aged 77 years, who had come in contact with the fence was electrocuted and died on the spot. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that the petitioner has not electrified the fence in his farm land, whereas, the electric line got snapped and due to which, the victim was electrocuted and the petitioner has nothing to do with the alleged offence. He also submitted that the petitioner is a senior citizen aged about 60 years and he is in custody from 04.03.2023 and he is also ready to abide



Crl.O.P.No.7704 of 2023

by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the owner of the agricultural field comprised in survey no.48/1 in Melarungunam Village and he has been given a electricity connection in 639/2022 by the Tamil Nadu Electricity Board for his farm land. He also submitted that the petitioner had illegally electrified the fence in his agricultural land and thereby, the victim got electrocuted. Hence, he opposed for grant of bail to the petitioner.

5. The learned counsel for the Intervener objected for grant of bail stating that only the petitioner had electrified his fence without any proper permission, due to which, the victim has died. He also submitted that the petitioner is having several lands.

6. In reply, the learned counsel for the petitioner submitted that the petitioner has not committed any offence as stated by the prosecution, however, in order to show his bonafide, the petitioner is ready and willing to



Crl.O.P.No.7704 of 2023

deposit a sum of Rs.1 lakh, as ex gratia payment for the death of the victim, without prejudice to his defense and contention. He also submitted that the petitioner has no objection in the amount being released in favour of the legal heirs of the victim. Hence, he prays for grant of bail to the petitioner.

7. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner and also considering the voluntary submissions made by the petitioner that he is ready to make an ex gratia payment to the legal heirs of the deceased, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial**



Crl.O.P.No.7704 of 2023

Magistrate No.II, Panruti, 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.100 of 2023 as *ex gratia* payment and on such deposit, the learned Magistrate is directed to disburse the amount to the legal heirs of the deceased after issuance of notice and proper identification and acknowledgement;

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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



Crl.O.P.No.7704 of 2023

Court himself as laid down by the Hon'ble Supreme Court
in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

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

18.04.2023

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To

1. The Judicial Magistrate No.II,
Panruti.
2. The Station House Officer,
Pudupettai Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.7704 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.7704 of 2023

18.04.2023

2/2