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CrI.O.P.No.11289 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM

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

CrI.O.P.No.11289 of 2023

Elumalai
S/o.Kannukonar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thandrambattu Police Station
Thiruvannamalai District.

(Crime No.133 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.133 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Silambuselvan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.04.2023, for the offences punishable under Sections 304(ii) & 201 of IPC, in Crime No.133 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had electrified the fence in his agricultural land and the victim, aged 70 years, who had come in contact with the fence was electrocuted and died. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 55 years is an innocent person and he further submitted that the victim was electrocuted somewhere else, whereas, he has been falsely implicated in this case. He further submitted that the petitioner is a poor farmer and he has nothing to do with the alleged offence. He also submitted that the petitioner is in custody from 29.04.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had electrified the fence in his agricultural land, thereby, on 02.03.2023, the victim came in contact with the electrified fence got electrocuted, and died. He further submitted that the victim is aged about 70 years and his wife is aged about 65 years. He also submitted that investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.2 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 wife of the victim. Hence, he prays for grant of bail to the petitioner.

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



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7. 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 wife of the deceased, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thandrambattu**, 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.2,00,000/- (Rupees two Lakhs only)** to the credit of **Crime No.133 of 2023** as *ex gratia* payment and on such deposit, the learned Magistrate is directed to **disburse the amount to the wife of the deceased after**



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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 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.

02.06.2023

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To

1. The Judicial Magistrate,
Thandrambattu.
2. The Inspector of Police,
Thandrambattu Police Station,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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