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Crl.O.P.No.14203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

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

Crl.O.P.No.14203 of 2023

1.Balakrishnan

2.Parthiban

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
H4 Korukkupet Police Station,
Chennai.

(Crime No.81 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners/accused on bail, in connection with the
Crime No.81 of 2023, pending investigation on the file of the respondent
Police.

For Petitioners : Mr.R.Thirumoorthy

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



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they are ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioners.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the pathetic case, where due to the negligent act of the petitioners and other accused, who are the organizers of the temple festival respectively, the victim Kavin, aged 13 years, who had come in contact with the electric wire died, due to the electrocution. He further submitted that the investigation in this case is still pending, hence, he opposed for grant of bail to the petitioners.

5. In reply, the learned counsel for the petitioners submitted that though the petitioners, who are the drivers by profession, have not committed any offence as stated by the prosecution, in order to show their bonafide, the petitioners are ready and willing to deposit a sum of Rs.50,000/- each as an ex gratia payment for the death of the victim, without prejudice to their defense and contention. He also submitted that the petitioners have no objection in the amount being paid to the parents of the victim. Hence, he prays for grant of bail to the petitioners.



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

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 petitioners and also considering the voluntary submission made by the petitioners that they are ready to make an ex gratia payment to the parents of the deceased, this Court is inclined to grant bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their 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 XV Metropolitan Magistrate, George Town, Chennai**, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



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Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) each to the credit of Crime No.81 of 2023 as *ex gratia* payment and on such deposit, the learned Magistrate is directed to disburse the amount to the parents of the deceased after issuance of notice and proper identification and acknowledgement;

[c] the petitioners 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 petitioners shall not abscond either during investigation or trial;

[e] the petitioners 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 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]*;



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

26.06.2023

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H4 Korukkupet Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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