



Crl.O.P.No.14063 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2023

CORAM

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

Crl.O.P.No.14063 of 2023

Chandiramurthy

... Petitioner

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.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.81 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.Kumarasamy

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



Crl.O.P.No.14063 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.06.2023, for the offences punishable under Sections 304A of IPC @ 304 A of IPC and Section 135 & 136 of Electricity Act, 2003, in Crime No.81 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.05.2023, during the temple festival, due to the negligent act of the sound service operator and the organisers of the temple festival, the victim Kavin, aged 13 years, who had come in contact with the electric wire got electrocuted, due to which. he died. Further, the accused had given illegal electricity connection in an unauthorised manner. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that it is an unfortunate incident, where the victim had stamped on the electric wire during the temple festival. He also submitted that the petitioner is only a mike set operator and he has nothing to



Crl.O.P.No.14063 of 2023

do with the alleged offence. He also submitted that the petitioner is in custody from 08.06.2023 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.

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 petitioner and other accused, who are the sound service operator and 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 also submitted that the petitioner had given electricity connection in an unauthorized manner. He further submitted that the investigation in this case is still pending, hence, he opposed for grant of bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that the though the petitioner has not committed any offence as stated by the prosecution, in order to show his bonafide, the petitioner is ready and willing to deposit a sum of Rs.2 lakhs, as an ex gratia payment for the death of the



Crl.O.P.No.14063 of 2023

victim, without prejudice to his defense and contention. He also submitted that the petitioner has no objection in the amount being paid to the parents 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 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 petitioner and also considering the voluntary submission made by the petitioner that he is ready to make an ex gratia payment to the parents 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 XV Metropolitan Magistrate, George Town, Chennai**, and on further



Crl.O.P.No.14063 of 2023

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.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 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.14063 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.

22.06.2023

ham

To

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



WEB COPY



Crl.O.P.No.14063 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.14063 of 2023

22.06.2023