



CrI.OP.No.21150 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.21150 of 2023

Kaveriyappan

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Perumbalai Police Station,
Dharmapuri District.
(Crime No.126 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.126 of 2023 on the file of respondent Police.

For Petitioner : Mr.A.Arun

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2023 for the offences punishable under Sections 336 & 304 of IPC, Section 25(1)(a) of Arms Act, 1959 and Section 135(1)(a) of Electricity Act, 2003 in Crime No.126 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is the owner of the land near the reserved forest. He bonafidely electric fenced his land with minimum amount of electric supply to prevent the wild animals from entering his land and eat the crops. However, it appears that, A1 and deceased had gone on hunting and trespassed into the land of the petitioner and in the said process, deceased got electric shock and died. Petitioner has no intention to cause the death of the deceased. He further submitted that, A1 in this case was granted bail by this Court. Petitioner is in judicial custody from 14.08.2023. Thus, this petition is filed for seeking bail.



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3. In response, the learned Additional Public Prosecutor submitted that, defacto complainant, who is a Village Administrative Officer received an information that, one person was found dead in the land of one Kaveriyappan. This information was received at about 08.00.a.m., on 14.08.2023. After receiving the information, he visited the place and found one person dead with a starch light on his head and country made gun near his body. Enquiry revealed that, on 12.08.202 at about 11.30.p.m., first accused and the deceased went for hunting. At that time. deceased got electric shock and died.

4. Considered the rival submissions and perused the record. It appears from the narration of facts and the FIR allegations that, deceased and A1 had gone for hunting. In the said process, deceased got electric shock from the electric fence erected in the petitioner's land. Considering the fact nature of the case and the fact that, 1st accused in this case was granted bail by this Court and the petitioner is aged about 80 years and that he is in Judicial Custody from 14.08.2023 and that, material part of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Pennagaram** 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 report before the respondent Police daily at 10.00.a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].



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

15.09.2023

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To

1. Judicial Magistrate, Pennagaram.
2. The Inspector of Police,
Perumbalai Police Station,
Dharmapuri District.
3. District Jail,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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