



Crl.O.P.No.25017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.25017 of 2023

Pichai Muthu S/o. Amavasai

... Petitioner/Accused

Vs.

State by
The Inspector of Police,
Tiruttani Police Station,
Tiruttani.

(Crime No.1034 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.1034 of
2023 on the file of the respondent police with terms and conditions.

For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



CrI.O.P.No.25017 of 2023

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ORDER

The petitioner seeks bail in Crime No.1034 of 2023, originally registered for the offences punishable under Section 174 of Cr.P.C., and subsequently altered to Section 304(ii) of IPC with respect to an occurrence, which took place on 29.08.2023. The petitioner had been taken into custody on 28.08.2023.

2.The said FIR had been registered on a complaint stating that the husband of the defacto complainant had gone over to the agricultural field and was electrocuted. There was a dispute as to the scene of the occurrence whether he died in the field of the defacto complainant or in that of the accused.

3.It is seen that in the field of the accused there was a well and next to the well there is a motor pump, from which, wire had been drawn for watering purposes by the deceased, and when he had gone to switch on the motor pump he suffered electric shock and died.



Crl.O.P.No.25017 of 2023

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4.The learned counsel for the petitioner stated that the petitioner is totally innocent of the offence and he was not responsible for that line being drawn from the motor pump. At any rate, that issue has to be considered during the course of trial.

5.In view of all these facts, I am inclined to grant bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.1,00,000/- to the credit of Crime No.1034 of 2023 before the Magistrate concerned, within a period of two weeks from the date of receipt of a copy of this order and on such deposit being made, the Judicial Magistrate, Tiruttani, may hand over the said amount to the defacto complainant.

6.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate, Tiruttani, 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.



Crl.O.P.No.25017 of 2023

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[b] the petitioner shall report before the respondent police everyday at 10.30 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].

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

10.11.2023

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Crl.O.P.No.25017 of 2023

To

1. The Judicial Magistrate, Tiruttani.
2. Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
Tiruttani Police Station,
Tiruttani.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25017 of 2023

C.V.KARTHIKEYAN. J.

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Crl.O.P.No.25017 of 2023

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