



Crl.OP.No.26546 of 2023

Crl.O.P.No.26546 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner/A2 seeks anticipatory bail in Crime No.541 of 2023 registered by the respondent police for the offences punishable under Sections 304(2), 109 of IPC r/w Section 135(1)(a) of Electricity Act 2003.

2. It is the case of the of prosecution that on 29.10.2023, the mother of the defacto complainant who was aged about 70 years did not come back to the house after doing farm work and when they searched, she was found dead near the motor pump set in the land of A1. It is stated that she was dead due to electrocution.

3. The learned counsel for the petitioner stated that the death did not occur in the land of the petitioner herein. A Sketch also been produced which shows that unfortunately the lady died in the land of A1. The petitioner is the adjacent land owner.

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4. Taking all facts into consideration and to compensate the defacto complainant for this sudden loss, eventhough the petitioner may not be directly connected and expressing clear opinion that by this order it does not meant that the petitioner was either directly or indirectly connected with the death of mother of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner subject to the conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate, Chengam* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner and 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.25,000/- to the credit of Crime No.541 of 2023 before the learned Judicial Magistrate, Chengam within a period of four weeks from the date of receipt of copy of this order and on such deposit, the learned Judicial Magistrate, Chengam may hand over a sum of Rs.15,000/- to the defacto complainant and receive proper acknowledgment and the balance amount of Rs.10,000/- may be transferred to an interest bearing fixed deposit and if ultimately the petitioner is acquitted the amount together with interest may be returned back to the petitioner. If the petitioner is convicted it may be handed over to the defacto complainant.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter as and required for interrogation.

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

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



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[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 absconds, a fresh FIR can be registered under Section 229A IPC.

08.12.2023

Vv



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