



CrI.O.P.No. 32058 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.32058 of 2022

Prabakaran

... Petitioner

Vs.

State represented by
The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
(Crime No.653 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Cr.No.653 of 2022 on file of the respondent police.

For Petitioner : Mr.M.Rahamath ali

For Respondent : Mr.S.Vinoth Kumar
Government Advocate(Crl. Side)



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ORDER

The petitioner who was arrested and remanded to judicial custody on 23.11.2022 for the alleged offence under Sections 304(2) I.P.C. in Crime No.653 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was a student of I.T.I., wherein the petitioner is working and he took deceased and another boy to a nearby village to pluck coconuts at his relatives' house. The other boy climbed the tree and threw a coconut, which fell on the electric wire and snapped and fell on the deceased electrocuting him, resulting in which, he died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the deceased and the other boy went on their own and he has nothing to do with the occurrence. He would submit that he has not at all committed any offence as alleged by the respondent police and he is no way connected with the offence. He would further submit that the investigation is almost completed



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and that the petitioner has been suffering incarceration for more than 18 days from 23.11.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that both the deceased and another boy are students of I.T.I. and they were brought to pluck coconuts nearby petitioner's relative house. He would submit that when the other boy threw the coconut, that fell on the electric wire, which snapped and electrocuted the other boy and he died. He would also submit that if he is released on bail, he will tamper the witnesses and hamper the investigation and the investigation is not yet completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from date of his arrest, 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 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 **learned Judicial Magistrate No.2, Panruti** 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 as when required for interrogation

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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***



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(f)if the accused thereafter absconds, a fresh FIR can be registered
under Section 229-A IPC;

12.01.2023

vsn

- 1.The Judicial Magistrate No.2, Panruti
- 2.The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
- 3.The Superintendent,
Central Prison,
Cuddalore
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

VSN

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