



Crl.O.P.No.27233 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

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

Crl.O.P.No.27233 of 2023

1.Manikandan S/o. Chandiran
2.Kamaraj S/o. Muthuvel
3.Rajendiran S/o. Kaliyan

... Petitioners/Accused 2 to 4

Vs.

The State represented by
The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.

(Crime No.351 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.351 of 2023 on the file
of the respondent police on such terms and conditions.

For Petitioners : Mr.T.I.Ramanathan

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



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ORDER

The petitioners/A2 to 4 in Crime No.351 of 2023, registered by the respondent police for the offences punishable under Sections 304(2), 201 IPC and Section 135(1)(A) of Electricity Act. The petitioner had been remanded to custody on 22.10.2023.

2.It is the case of the prosecution that the husband of the defacto complainant, did not return back after going to work under the 1st accused. It had been stated that the deceased and the present petitioners had gone for fishing in Mayura river, after giving electricity connection but due to flow of electric current in the river, the deceased died.

3.It is stated that A1 had been granted anticipatory bail by the learned Principal Sessions Judge, Villupuram, who was holding full additional charges at Villupuram and this Court wanted an explanation. It had been stated that anticipatory bail was granted by misrepresenting that the other accused had been granted bail. But, the other accused are now seeking bail before this Court and they have been in custody.



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4.A report had been received from the Special District Judge, (To deal with M.C.O.P cases), Villupuram, who was holding full additional charges of Principal Sessions Court, and had granted anticipatory bail on 23.11.2023. It is stated that there was a misrepresentation that the other accused had been granted bail.

5.The learned Government Advocate (Crl. Side) for the respondent stated that necessary application has been filed before the Principal Sessions Court, Villupuram, to cancel that anticipatory bail granted.

6.Taking all the factors into consideration and particularly the period of incarceration of all these petitioners and the respondent had taken steps to cancel that anticipatory bail of the 1st accused, I am inclined to grant bail to the petitioners subject to the following conditions:

7.Accordingly, the petitioners are ordered to be released on bail on condition to execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Judicial Magistrate Court No.I, Kallakurichi, and on further conditions that: -



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[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 petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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To

- 1.The Judicial Magistrate Court No.I, Kallakurichi.
- 2.The Inspector of Police,
Varanjaram Police Station,
Kallakurichi District.
- 4.The Sub-Jail, Kallakurichi.
5. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.
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