



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.71 of 2023

Karuppasamy, ... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
Shencottai Police Station,
Tenkasi District
(Crime No.238 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Karthick.R.J,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.238 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

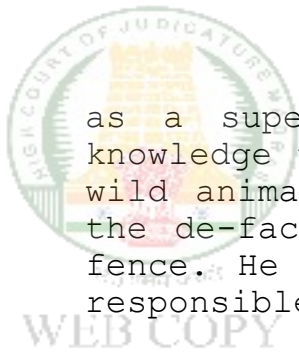
The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 304(A) of I.P.C. and Section 135(1)(e) of Electricity Act, 2003, in Crime No.238 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 28.07.2021, the de-facto complainant and his father went searching for their missing goat, at that time, the de-facto complainant's father got electrocuted in a illegal electric fence put up by the accused and died on the spot. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely roped in in

<https://www.mca.gov.in>

He would further submit that the petitioner was working



as a supervisor in a Mango grove and the owners, with the knowledge of the petitioner, have electrified the fence to prevent the wild animal entering into the mango grove, whereas, unfortunately, the de-facto complainant's father got electrocuted in the electric fence. He would further submit that the petitioner cannot be held responsible for the act of the mango grove by the owners.

4. The learned Government Advocate (Cri.Side) appearing for the respondent would submit that the de-facto complainant and his father went searching for their missing goat, at that time, the de-facto complainant's father got electrocuted in an illegal electric fence put up by the accused and died on the spot. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

7. 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 Court, Shenkottai, on condition that the petitioner shall 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 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:

[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 report before the respondent Police, daily at 10.30 a.m, until further orders.

[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 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate Court, Shenkottai.
2. Do Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Inspector of Police,
Shencottai Police Station,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.71 of 2023

Date : 04/01/2023

TR/MMS/SAR-I(12.01.2023) 3P 5C