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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.4523 of 2023

Varatharajaperumal,

...Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Puthanatham Police Station,
Cr. No. 147/2022.

... Respondent/Complainant

For Petitioner : A.Thiyagarajan, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 147 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under section 304 (2) of IPC in Crime No. 147 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.11.2022 at about 8.00 pm., after hearing noise outside the house, the petitioner thinking that a thief had come some people along with the defacto complainant's son went through the field to see. At that the son of the defacto complainant stepped on it and fell down without the knowing the electric wire near the paddy field was cut. Due to the https://www.judiciary.gov.in/ this right leg with the help of other villagers the defacto



complainant had taken his son the Manaparai Government : L, where the doctor declared him brought dead, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

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4. It is seen that even according to the case of prosecution the petitioner has put up electric wire for light unfortunately the light was cut down and when the deceased while visiting the filed along with his father without seeing that touched the wire and therefore he was electrocuted, in view of the same, custodial interrogation of the petitioner is not required. 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:

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, Manaparai, Trichy District 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 respond to police daily at 10.30 am., for a period of four weeks and thereafter as and 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 Kerala [(2005)AIR SCW 5560].



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

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

AAV

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAPPARAI, TRICHY DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
PUTHANATHAM POLICE STATION.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4523 of 2023
Date :13/03/2023

PKP/BUC/SAR-3/16.03.2023/ **3P/5C**