



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/06/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.10433 of 2023

S.Sahul Hameed ... Petitioner/Accused Rank Not Known

Vs

The State Rep.by
The Inspector of Police,
Appanthirupathy Police Station,
Madurai.

(Crime No. 162 of 2022). ... Respondent/Complainant

For Petitioner : M/s.Jayanthi S S,
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. 162 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 sections 174 of Cr.P.C @ 304(2) of IPC in Crime No. 162 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the son of the defacto complainant found lying on the floor unconsciously by holding a **(*)wire** and later found dead,hence the case.

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

4. It is seen that the petitioner is running a medical shop in the rented building. He also floated balloon in the said building. The balloon rope was tied with the post which was installed in the said building for the lamp. Unfortunately the said wire connected with the lamp got damaged and electricity passed in the wire when the deceased came up to dry clothes, he got electrocuted and died. There is no negligence on the part of the



petitioner to attract the offence under section 304(ii). 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 No.V, Madurai 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 am., for a period of two 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].

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

sd/-

14/06/2023

**(*)FOR BEING MENTIONED AS PER THE ORDER OF
THIS COURT DATED 30/06/2023 IN CRL OP(MD)
No.10433 of 2023.**

**TIME IS EXTENDED FOR FURTHER TWO WEEKS FOR
EXECUTING SURETIES FROM THE DATE OF
RECEIPT OF A COP OF THE AMENDED ORDER.**

/ TRUE COPY /

/07/2023

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



TO BE SUBSTITUTED WITH THE ORDER DATED 14/06/2023 ALREADY DESPATCHED

WEB COPY

1. The Judicial Magistrate No.V, Madurai.
2. -do-Through The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
Appanthirupathy Police Station, Madurai
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.10433 of 2023
Date :14/06/2023

RD/SBN (20/06/2023) 3P 5C
SS/06/07/2023/ 3P 5C