



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 20/06/2023  
PRESENT

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

CRL OP(MD). No.10890 of 2023

Dharmar,

... Petitioner/Accused  
Rank Not Known

**Vs**

The State rep.by  
The Inspector of Police,  
Usilampatti Taluk Police Station,  
Madurai District.  
Crime No.142 of 2023.

... Respondent/Complainant

For Petitioner : M/s.MITHUNCHAKARAVARTHI A,  
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

**PRAYER :-** For Bail in Crime No.142 of 2023 on the file of the Respondent Police.

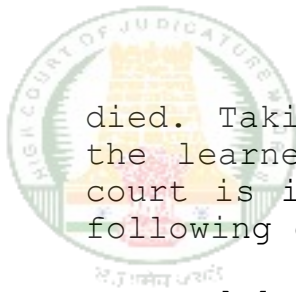
**ORDER :** The Court made the following order :-

The petitioner /Accused who was arrested and remanded to judicial custody on 14.05.2023 for the offence under section 304(ii) of IPC in Crime No.142 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner herein put up electrical fencing in his agricultural farm to protect his crops from wild animals. On 11.05.2023 the husband of the defacto complainant and another person who have gone to their routine work got electrocuted with the electrical fencing put up by the petitioner which ended in their death, hence the case.

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

4. It is seen that the petitioner has lease hold right over the property and had put up electrical fencing to protect the crops from wild animals. Unfortunately two persons touched the wire and



died. Taking into consideration the facts and submissions by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 learned Judicial Magistrate No.I, Usilampatti and on further conditions that:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 A.M. and 5.30P.M., for a period of two weeks and thereafter as and when required for interrogation

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].

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

sd/-

20/06/2023

/ TRUE COPY /

20/06/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I,  
USILAMPATTI.

<https://www.mhc.tn.gov.in/judis>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3 THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,  
USILAMPATTI TALUK POLICE STATION,  
MADURAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S.MITHUNCHAKARAVARTHI A Advocate SR.No.9135 (I)  
Dt.20/06/2023.

**ORDER**

**IN**

CRL OP(MD) No.10890 of 2023

Date :20/06/2023

SA/SSS/SAR. /20.06.2023/3P/7C