



Crl.O.P.No.27680 of 2024

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**A.D.JAGADISH CHANDIRA, J.**

The Petitioner/Sole Accused, who apprehends arrest for the alleged offences under section 174 of Cr.P.C altered into 304 IPC in Crime No.127 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a lease holder of prawn culture pond and on 16.05.2023, the son of the de facto complainant while working in the prawn pond, was electrocuted accidentally. The other workers have admitted him in the hospital and he passed away later. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that due to the electrocution happened in his pond, he has paid Rs.4,00,000/- to the deceased family. He would further submit that earlier this case was registered under Section 174 of Cr.P.C. and later altered into 304-A IPC and the petitioner has



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approached this Court in Crl.O.P.No.18474 of 2023 and he was granted anticipatory bail by an order dated 04.09.2023 and thereafter, the respondent police after completion of investigation has filed final report under Section 304 IPC. Thereby, the present petition has been filed seeking anticipatory bail to the petitioner for the altered offence.

4. The learned Government Advocate (Crl. Side) for the respondent police while opposing the grant of anticipatory bail to the petitioner would submit that originally the case was registered under Section 174 Cr.P.C and it was altered to 304-A of IPC and the petitioner was earlier granted anticipatory bail by an order dated 04.09.2023. He would further submit that after investigation, the respondent police has filed the final report for the offence under Section 304 IPC and the case is pending in P.R.C.No.21 of 2024 on the file of the learned Judicial Magistrate, Sirkazhi.

5. Heard the learned Counsel appearing for all the petitioner and the learned Government Advocate (Crl.Side) for the respondent



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police and perused the materials available on record.

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6. Taking into consideration of the facts and circumstances of this case and the petitioner in compliance of the earlier order has also executed sureties and now investigation has been completed and the charge sheet has been laid, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate Court, Sirkazhi**, on condition that the petitioner shall execute a separate 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:



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[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 his Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall report before the learned the Judicial Magistrate, Sirkazhi everyday at 10.30 a.m., for a period of one week and thereafter, on the dates fixed by the learned Judicial Magistrate;**

[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 269 BNS.

**07.11.2024**

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