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CrI.O.P.No.27750 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.27750 of 2024

Kannappan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Mahendramangalam Police Station.

(Crime No.92 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner on bail, in connection with the Crime No.92 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.Thiyagu

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 02.09.2024, seeking bail in Crime No.92 of 2024 registered for the offence under Section 105 of BNS.



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2. The case of the prosecution is that the petitioner had illegally electrified the fence in his agricultural land and the victim, who had come in contact with the fence, was electrocuted and died. Thereafter, to screen the evidence, the petitioner had thrown the body of the deceased/victim 500 meters away from his field. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and a false complaint has been given against him. He further submitted that the body of the victim/deceased has been recovered only 500 meters away from his field and the petitioner has nothing to do with the alleged offence. He also submitted that the petitioner is a poor agriculturist, who is in custody from 02.09.2024, and hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is the owner of the agricultural field, where he has cultivated sugarcane, and he has electrified its fence, due to which, the victim got accidentally electrocuted and died. He further submitted that the petitioner had thrown the body of the deceased away from



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his field to screen the evidence. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate, Palacode**, and on further conditions that:

[a] 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;



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[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m. for a period of two weeks and thereafter, on every Monday at 10.30a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 B.N.S.

06.11.2024

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To

1. The Judicial Magistrate,
Palacode.
2. The Inspector of Police,
Mahendramangalam Police Station.
3. The Central Prison,
Dharmapuri.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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