



Crl.O.P.No.28626 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 105 of Bharitya Nyaya Sanhita, 2023 in Crime No.283 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, the deceased Solairaja was working as a cook under the defacto complainant at Vekkampalayam and on 06.10.2024, the deceased Solairaja came into contact with live current wire of an electric motor, which has been installed by the petitioner, without any precautionary or safety measures for taking water for irrigation process. Hence, this case.

3. Learned counsel appearing for the petitioner would submit that petitioner is innocent and for the purpose of taking water from the palar river, for irrigation purpose, the petitioner had installed electric motor on the 'Kinathu medu' in his land. He would further submit that the deceased Solairaja came to the petitioner's well, for the purpose of fetching drinking water and he has



negligently came in contact with the wire, which got wet, due to recent rain and got electrocuted. He would further submit that without prejudice to his defense, the petitioner had gratuitously paid a sum of Rs.3,00,000/- to the mother of the deceased and further ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, therefore, he prayed for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police opposed for the grant of anticipatory bail to the petitioner, stating that the petitioner had installed an electric motor, without any precautionary measure, thereby the victim had come into contact with the live wire, got electrocuted and succumbed.

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

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side, this Court is inclined to



grant anticipatory bail to the petitioner with certain conditions.

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7. 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 II, Pollachi** 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:

[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 everyday at 10:30 a.m. for a period of two weeks and thereafter, every Saturday at 10:30 a.m., until further orders.

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



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[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

20.11.2024

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