



Crl.O.P.No.29144 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

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

Crl.O.P.No.29144 of 2024

K.Mohan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pernampet Police Station
(Cr.No.460 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, pleased to enlarge the petitioner on bail in Crime No.460 of 2024 on the file of the Pernampet Police Station.

For Petitioner : Mr.Harikrishnan R

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



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ORDER

This Criminal Original Petition has been filed by the petitioner/ Accused, who was arrested and remanded to judicial custody on 20.10.2024, seeking bail in Crime No.460 of 2024 registered for the offence under Sections 105 BNSS and Section 135 (1)(b) of the Indian Electricity Act.

2. The case of the prosecution is that due to the negligent handling of electricity by the petitioner, the defacto complainant's son died of electrocution. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the facts remains that on 13.10.2024, the father of the victim had given a complaint that his son was missing, and later, after two days, the body of the victim was found near the farm land of the petitioner. At that time, the father of the victim and the villagers have given a complaint that the murder has been committed by the sand mafia, against whom they were fighting and subsequently, the case has been diverted, as if the victim died of electrocution due to the negligent handing of electricity. He further submitted that even the petitioner, who is a farmer does not have any electricity connection and that since the body was found near his well,



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the petitioner has been implicated in this case. Hence, he prayed for grant of bail to the petitioner, who is in custody from 20.10.2024, stating that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while objecting for grant of bail to the petitioner, submitted that due to the illegal and negligent handling of electricity, the defacto complainant's son died of electrocution. He further submitted that the petitioner has illegally taken electricity connection for his well and the victim who had gone near the well had got electrocuted and died and that the investigation is pending. Therefore, he opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and the submissions made by the learned counsel on either side and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner



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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, Gudiyatham**, 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;

[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 Saturday at 10.30 a.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



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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 of B.N.S.

21.11.2024

Anu

To

1. The Judicial Magistrate,
Gudiyatham.
2. The Inspector of Police,
Pernampet Police Station.
3. The Superintendent,
Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

Anu

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