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CrI.O.P.No.28224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.28224 of 2023

Mani
S/o.Kuttiyannan

... Petitioner/A1

Vs.

The State Rep. by
The Inspector of Police,
Ambur Town Police Station,
Tirupathur District.
Crime No.521 of 2023.

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.521 of 2023 on the file
of the respondent.

For Petitioner : Mr.D.Thirumoorthy

For Respondent : Mr.L. Baskaran,
Govt. Advocate (Criminal Side)



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ORDER

The petitioner / A1 who was arrested and remanded to judicial custody on 04.12.2023 for the offences punishable under Section 304(2) IPC and subsequently altered to Section 304(2) IPC r/w Section 135(1)(b) of IE Act, 2003 in Crime No.521 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, around the land owned by the petitioner, an electric fence had been put up and two persons had unfortunately come in contact with the electric wire and had died.

3.It is case of the learned counsel for the petitioner that the petitioner is the land owner. The co-accused namely A2 has been granted bail by this Court.

4.The learned Government Advocate (crl.side) stated that the investigation has progressed to some extent.

5.Taking all these factors into consideration, this Court is inclined to grant bail to the petitioner, however, directing **the petitioner to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.521 of 2023 before the learned Judicial Magistrate, Ambur, on or before 19.01.2024. On such deposit, the learned Judicial Magistrate,**



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Ambur may handover Rs.50,000/- (Rupees Fifty Thousand only) each to the family of the two deceased persons, who may receive it without prejudice to their rights to prosecute the case against the accused and to seek additional compensation in manner known to law.

6. Accordingly, the petitioner is ordered to be released on bail on executing 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, Ambur, 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 appear before the respondent police daily 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 conditions have been imposed and the petitioner released on



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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 229A IPC.

09.01.2024

vkf

To

1. The Judicial Magistrate, Ambur.
2. The Inspector of Police,
Ambur Town Police Station,
Tirupathur District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN, J.

vkr

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