



Crl.O.P.No.28987 of 2023

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C.V.KARTHIKEYAN, J.

The Petitioner/Accused in Crime No.558 of 2023 registered by the respondent police for the offence originally registered under Section 174 of the Code of Criminal Procedure, 1973 but later altered to Sections 304 and 201 IPC read with Sections 135(1)(e) and 136(1)(a) of Indian Electricity Act, seeks anticipatory bail.

2. The learned Government Advocate (Criminal Side) stated that the Petitioner is the cultivating tenant in the land, wherein, the defacto complainant was found electrocuted by coming in contact with an electric fence.

3. The learned counsel for the Petitioner stated that the electric fence was not put up by the Petitioner but by the landlord. But that is a fact which will have to be established during the course of trial. However, he also stated that the Petitioner would deposit an interim compensation of Rs.1,00,000/- (Rupees One Lakh only).



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4. Taking all the factors into consideration and also the submission made by the Petitioner that he would deposit an interim compensation for a sum of Rs.1,00,000/- (Rupees One Lakh only), this Court is inclined to grant anticipatory bail to the Petitioner subject to the following conditions that **the Petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.558 of 2023 before the learned Judicial Magistrate, Pallipattu and on such deposit, the learned Judicial Magistrate, Pallipattu may hand over the said amount to the defacto complainant. It is made clear that such deposit does not indicate that the Petitioner had admitted to any of the allegations particularly that he had put up the electric fence. It would also not preclude the defacto complainant from seeking further damages/compensation in the manner known to law.** 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, Pallipattu**, on condition that the petitioner shall execute a 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



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concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions 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 deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.558 of 2023 before the learned Judicial Magistrate, Pallipattu and on such deposit, the learned Judicial Magistrate, Pallipattu may hand over the said amount to the defacto complainant. It is made clear that such deposit does not indicate that the Petitioner had admitted to any of the allegations particularly that he had put up the electric fence. It would also not preclude the defacto complainant from seeking further damages/compensation in the manner known to law.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for the interrogation.

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



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[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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