



Crl.O.P.No.29051 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

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

Crl.O.P.No.29051 of 2023

and

Crl.M.P.No.78 of 2023

Natarajan
S/o.Velu

... Petitioner/A2

Vs.

The State Rep. by
The Inspector of Police,
Ambur Town Police Station,
Thirupatur 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.T. Muruganantham

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

For Intervener : Mr.Swami Subramanian



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ORDER

The petitioner / A2 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 and Section 135(1)(b) of IE Act, 2003 in Crime No.521 of 2023 on the file of the respondent police, seeks bail.

2.It is case of the learned counsel for the petitioner that the petitioner is only an agriculture coolie working under the 1st accused, who is the land owner.

3.The case of the prosecution is that, around the said land owned by the 1st accused, an electric fence had been put up and two persons had unfortunately come in contact with the electric wire and had died.

4.There is also intervenor, who has appeared and learned counsel stated that the son of the intervener and the uncle of the intervener had died. It is stated that the 1st accused has also been taken into custody and still in custody. 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**



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sum of Rs.50,000/- (Rupees Fifty Thousand 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, Ambur may handover Rs.25,000/- (Rupees Twenty Five 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.It is made clear that taking advantage of this particular condition, no order can be passed in favour of the 1st accused, whose role is different and who is the land owner and who had, with knowledge put up the electric fence.

7.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.



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[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 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.

8. Connected Criminal Miscellaneous Petition is closed.

03.01.2024

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To

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



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C.V.KARTHIKEYAN, J.

smv

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