



CRL OP(MD)No.275 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.275 of 2024

Rajendran

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Sempatti Police Station,
Dindigul District.
Crime No.364 of 2023.

... Respondent/Complainant

For Petitioner : Mr.A.Abdul Kabur, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.364 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on



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15.11.2023 for the offences punishable under Section 174 Cr.P.C., altered into Section 304(ii) IPC r/w 201 IPC and Section 135(1)(a) of the Indian Electricity Act 2003 in Crime No.364 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant, who is working as a Village Administrative Officer, made a complaint before the law enforcing agency stating that a dead body was found in the farm land of A1 and thereby, it was revealed that A1 put up electric fencing illegally and the deceased, without knowing the same, touched the fence and he died, due to the electrocution. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. He would further submit that the petitioner is 62 years old man and he is working as watchman under A1 and he is in prison for more than 63 days. Hence, he prayed grant bail to the petitioner. However, the petitioner, without prejudice to his rights, is ready to pay a sum of Rs.50,000/- to the deceased's family by way of demand draft.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that investigation in this case is not yet completed.



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5. Heard the learned counsel on either side.

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6. Considering the facts and circumstances of the case and also considering the period of incarceration and the ready and willingness of the petitioner to pay a sum of Rs.50,000/- directly to the deceased's family, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 **learned District Munsif cum Judicial Magistrate, Aathoor** 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 is directed to pay a sum of Rs.50,000/-(Rupees Fifty Thousand only) in favour of the deceased's family by way of demand draft and shall produce proof for the same before the Court below, while executing sureties;

(c) the petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter, as and when required;

(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]*; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2024

/ TRUE COPY /

18/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, AATHOOR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
SEMPATTI POLICE STATION,
DINDIGUL DISTRICT.



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4 THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.275 of 2024
Date :18/01/2024

SS/SAR- /18/01/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023