



Crl.O.P.(MD) No.20705 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.(MD) No.20705 of 2024

R.Elangovan

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu,
Rep By,
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
(Cr.No. 248 of 2024)

... Respondent / Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, for Anticipatory Bail in Cr.No.248 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.Karthick

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 290, 125(a) and 105 of B.N.S.S. in Crime No.248 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that a construction work was done in the property belonging to the petitioner (A2). When the deceased was undertaking the



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work, he came in contact with a live high tension wire and as a result, he was electrocuted and he died due to the incident. There are totally two accused persons in this case and the petitioner has been arrayed as A2.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent.

4. The petitioner along with A1 filed the earlier anticipatory bail petition in Crl.O.P.(MD) No.17715 of 2024 and the same was dismissed as withdrawn by an order dated 21.10.2024.

5. The learned counsel for the petitioner submitted that the property stood in the name of the petitioner's wife. She entered into a construction agreement with A1 who is the engineer and it is A1 who had engaged the deceased. That apart, a complaint was also given to the Electricity Board requesting for the removal of the electric pole. The necessary charges were also paid in this regard. In spite of the same, the electric pole was not removed and this unfortunate incident had taken place. Immediately after the incident, the electric pole was removed by the Electricity Department.

6. The learned Government Advocate submitted that A1 is the contractor and A2 is the owner of the property and the construction work was done in the property belonging to A2 and the deceased died while the work was going on since



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he came in live contact with the high tension wire.

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7. Taking into consideration the facts and circumstances of the case and considering the manner in which the incident had taken place and also considering the fact that the services of the deceased was engaged by A1 and this petitioner is said to be the husband of the owner of the premises, this Court inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.3, Trichy District, 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 said Magistrate, 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 report before the respondent police every Monday and Friday at 5.30 p.m. for a period of 6 weeks and thereafter,



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as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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]; and

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
29/11/2024

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/12/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN



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1.The Judicial Magistrate No.III,
Trichy District.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Samayapuram Police Station,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.KARTHIK, Advocate (SR-14770[I] dated 02/12/2024)

ORDER

IN

CRL OP(MD) No.20705 of 2024

Date :29/11/2024

ED/ GSV /SAR- (04/12/2024) 5P / 6 C

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