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Crl.O.P.No.927 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.927 of 2025

Raji

... Petitioner

Vs.

State, Rep. by the Inspector of Police

Gobinathampatti Police Station

Dharmapuri District (Crime No.152 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.152 of 2024 on the file of the respondent Police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)

ORDER

Petition seeking bail in respect of Crime No.152 of 2024 registered for
the offences punishable under Sections 105, 238 of BNS and Section 135(1)(a) of
Indian Electricity Act, 2003 is on board for consideration.

2.The incarceration of the petitioner being from 17.12.2024 pleading
innocence on the part of the petitioner and false implication in the case, learned
counsel for the petitioner seeks indulgence of this Court. He also submits that the
petitioner is an innocent person and he has been falsely implicated in this case, as



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the body was found near his farm. He further submits that the parties have entered into an agreement dated 17.12.2024, under which, without prejudice to the defence and contentions, the petitioner agreed to pay Rs. 3,50,000/- on 19.12.2024 and an additional Rs. 2,00,000/- within 120 days from 17.12.2024 as ex gratia to the de facto complainant's family. He also submits that the petitioner is no way connected with the alleged offences and he is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner illegally electrified the fence and son of the de facto complainant came into contact with it, resulting in his death by electrocution.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pappireddipatti, and on further conditions that:



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[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 report before the respondent Police, everyday 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 269 of B.N.S.

20.01.2025

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A.D.JAGADISH CHANDIRA, J.
sai

To

1.The Judicial Magistrate,
Pappireddipatti

2.The Inspector of Police,
Gobinathampatti Police Station
Dharmapuri District

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.

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