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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.8393 of 2025

Elumalai

...Petitioner/Accused

Vs.

State rep by
The Inspector of Police,
Polur Police Station,
Tiruvannamalai District.

(Crime No.82 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 483 of BNSS to enlarge the petitioner on bail in Crime No.82 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.B.Viswanathan

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



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 09.03.2025, seeking bail in Crime No.82 of 2025 registered for the offence under Section 105 of BNS, 2023 r/w Section 135(1)(b) of Indian Electricity Act, 2003.

2.It is the case of the prosecution that on 08.03.2025 at about 10.30 p.m., the petitioner, without obtaining proper permission from the Electricity Department, had fenced electric wire in his land in order to prevent wild animals from damaging the cultivated crops; that while the brother of the defacto complainant was walking on the land, he was electrocuted and died. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has no bad antecedents; that the petitioner is in custody from 09.03.2025 and that in any case, further custody of the petitioner is not required and sought for bail.



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4.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the petitioner has no bad antecedents.

5.At this juncture, the learned counsel for the petitioner voluntarily submitted that the petitioner, in order to show his bonafide, is ready and willing to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.82 of 2025 without prejudice to his defence. He further submitted that on such deposit being made, the defacto complainant may be permitted to withdraw the same. Hence, he prayed for grant of bail.

6.Heard the learned counsel on either side and perused the materials available on record.

7.Considering the nature of allegations, period of incarceration, the fact that the petitioner has no bad antecedents and the submission that the



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petitioner is willing to deposit an amount of Rs.50,000/- to the credit of Crime No.82 of 2025 and since further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is directed to deposit a sum of **Rs.50,000/- [Rupees Fifty Thousand Only]** to the credit of Crime No.82 of 2025 before the trial Court, on such deposit and production of proof, 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 **Judicial Magistrate Court, Polur, Thiruvannamalai**, 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 shall report before the respondent Police, everyday at 10.30 a.m., until further orders;



WEB COPY [c] On the deposit of Rs.50,000/-, the defacto complainant is permitted to withdraw the same.

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness 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 269 B.N.S.

24.03.2025

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SUNDER MOHAN, J.

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Copy to:

- 1.The Inspector of Police, Polur Police Station, Tiruvannamalai District.
- 2.The Judicial Magistrate Court, Polur, Thiruvannamalai.
- 3.The Superintendent of Prison, Central Prison, Vellore.
- 4.The Public Prosecutor, High Court, Madras.

CrI.O.P.No.8393 of 2025

24.03.2025