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Crl.O.P.No.16964 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16964 of 2025

Raman

... Petitioner/A1

Vs.

The State represented by
The Inspector of Police,
Veeranam Police Station,
Salem District.
(Crime No.323 of 2025)

... Respondent

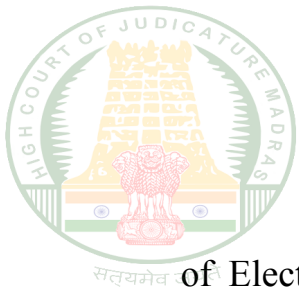
PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to grant bail to the petitioner in Crime
No.323 of 2025 on the file of the respondent police.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 15.05.2025, for the offences punishable under Section 103(1) of BNS,
2023, subsequently altered into Sections 105, 238 of BNS, 2023, 135(1)(b)



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of Electricity Act, 2003 @ Section 105, 238 of BNS, 2023, 135(1)(e) of Electricity Act, 2003 in connection with Crime No.323 of 2025, registered on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner put up an electric fence on his agricultural land without any permission, thereby caused death to the victim. Hence, the case.

3. The learned counsel for petitioner submitted that the petitioner owning a joint family property. The petitioner along with other family members harvesting tapioca in the field. In the menace of wild animals electric fencing was put up by the adjacent land owner, in which, the victim had came in contact and died. It is now projected against the petitioner as though the petitioner has put up electric fence and thereby caused the death to the victim. Learned counsel further submitted that the co-accused/A2 was granted bail by the learned Judicial Magistrate No.IV, Salem in Crl.M.P.No.1462 of 2025 on 19.05.2025 without any condition and the petitioner is also similarly placed. Hence, he prays to grant bail to the petitioner.



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4. The Learned Government Advocate (Criminal Side) appearing for the respondent police strongly opposed the petitioner's contention and submitted that petitioner without any permission or license put up electric fencing around the field and also not placed any warning. Further the power has been drawn from the main line directly unauthorisedly and knowing that high power would cause damage to the life, it was erected by the petitioner. The victim, who is a agricultural worker, came in contact with the land and died. The victim and his wife is having only 100 square feet of tiled house. Hence, he strongly opposed for granting bail to the petitioner.

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.75,000/- to the credit of the Crime No.323 of 2025 without prejudice to his contention on merits in the above case and the petitioner has got no objection for the victim's family members to withdraw the said amount without notice to the petitioner. His only contention is that the payment of Rs.75,000/- is only on humanitarian ground and the same shall not be construed against the petitioner in any manner.



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6. Considering the nature of allegations and the submission that the petitioner is willing to deposit an amount of Rs.75,000/- to the credit of Crime No.323 of 2025, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to deposit a sum of **Rs.75,000/- [Rupees Seventy Five thousand only]** to the credit of Crime No.323 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.IV, Salem. On such deposit being made, the trial Court can order withdrawal of the said amount without notice to the petitioner.** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;



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[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for further interrogation;

[c] the petitioner shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioner shall not directly or indirectly cause any threat to the de-facto complainant and witnesses;

[e] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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[g] If the accused thereafter absconds, a fresh

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FIR can be registered under Section 269 of B.N.S.

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Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

1.The Judicial Magistrate No.IV,
Salem.

2.The Inspector of Police,
Veeranam Police Station,
Salem District.

3.The Superintendent,
Central Prison, Salem.

4.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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