



Crl.O.P.(MD).No.10990

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). Nos.10990 & 11168 of 2025

Selvam,
S/o.Subbiah

... Petitioner in
Crl.O.P.(MD).No.10990 of 2025/ Accused

Poobalan,
S/o.Gurusamy

... Petitioner in
Crl.O.P.(MD).No.11168 of 2025/ A1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Irukkankudi Police Station,
Virudhunagar.
(Crime No.125 of 2024)

... Respondent/Complainant in both petitions

For Petitioner : Mr.P.Saravanakumar,
(in Crl.O.P.(MD) Advocate
No.10990/2025)

For Petitioner : Mr.A.Sivasubramanian,
(in Crl.O.P.(MD) Advocate
No.11168/2025)

For Respondent : Mr.S.Prakash,
(in both petitions) Government Advocate (Criminal Side)



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COMMON PRAYER :-

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For Anticipatory Bail in Crime No.125 of 2024 on the file of the respondent Police.

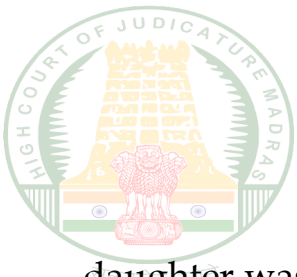
COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences initially punishable under Section 194 of BNSS, 2023 and later, altered to Section 105(2) of BNS, 2023 in Crime No.125 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is a resident of Irukkankudi and works as a temporary employee at the Irukkankudi Mariamman Temple. His wife is employed at a garments company in Sattur. Their daughter, Samyuktha, was studying LKG at Little Buds Kids School, Sattur. On the common pathway leading to the street where the de-facto complainant resides, an iron pipe had been installed to support a pole belonging to the Tamil Nadu Electricity Board. This pole supplied electricity to the de-facto complainant's house and three other houses. On 30.09.2024, at about 7.30 a.m., one Viji suffered an electric shock upon touching the said pole. Information regarding the incident was conveyed to the Electricity Board, but no action was taken by the staff of Electricity Board.

Subsequently, on the same day, at about 8.30 a.m., while the de-facto complainant's

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daughter was playing near the electric pole, she inadvertently touched the said pole, and died from an electric shock. Hence, the present case.

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3. The learned counsel for the petitioners submitted that the 1st accused is working as a Foreman in the Tamil Nadu Electricity Board, Sattur, while the 2nd accused is working as a Line Inspector, and they would not be assigned any field works. The allegation against them is that despite having knowledge of the electric current emanating from the pole, they failed to take any action. However, it is submitted that there are 25 employees working in the concerned Electricity Board, including nearly 10 gangmen. There is no evidence to show that the petitioners had prior knowledge of the electrical issue at the said location. Further, the petitioners' reporting time is around 8.50 a.m., and after reporting only they are assigned duties. Therefore, implicating the petitioners as accused in this case solely on the ground that they are employees of the Electricity Board and holding them responsible for the said incident, without any material evidence, amounts to harassment. They, however, submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, they seek anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) filed a status report



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stating that there are totally two accused persons in this case and the petitioners have been arrayed as A1 and A2. Both the accused are responsible for the occurrence. The pole was installed only as a temporary arrangement. Despite repeated requests from the villagers to remove the said pole, no action was taken. Due to the petitioners' negligence, a 5 year old child died from an electric shock. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case, the nature of the offence, and taking note of the fact that as the date of occurrence is 30.09.2024, by this time most of the investigation might have been completed, and that as per the status report, the respondent police have already collected all material records such as the hospital report, accident register, and postmortem certificate, and considering the stage of the enquiry, this Court is of the view that the custodial interrogation of the petitioners is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Sattur, on



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condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, 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 learned Judicial Magistrate No.II, Sattur, failing which, the petitions for anticipatory bail shall stand dismissed and on further condition that:

(a) the petitioners 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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Sattur. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate No.II, Sattur;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 petitioners in accordance



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with law as if the conditions have been imposed and the petitioners released on bail
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by the learned Magistrate/Trial Court themselves 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/petitioners thereafter abscond, a fresh FIR can be registered
under Section 269 of BNS, 2023.

sd/-
15/07/2025

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/08/2025
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Judicial Magistrate No.II, Sattur.

2.Do Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Irukkankudi Police Station,
Virudhunagar.



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

+1 CC to M/s.P.SARAVANAKUMAR, Advocate (SR-7632[I] dated 16/07/2025)

COMMON ORDER IN
CRL OP(MD) No.10990 & 11168 of 2025
Date :15/07/2025

SBN/06.08.2025 7P/6C

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