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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date :21.11.2025

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

CRL OP(MD). No.14713 of 2025

Sivakumar @ Siva

... Petitioner/Sole Accused

Vs

The State of Tamilnadu rep.By,
The Inspector of Police, Uthamapalayam
Police Station, Theni District
(Cr.No.216 of 2025).

... Respondent/Complainant

For Petitioner : M/s.S.Sukumar,

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl.Side)

PRAYER :- For Anticipatory Bail in Crime No.216 of 2025 on the file of the respondent police

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 105 of BNS 2023 (Section 304 of IPC) in Crime No.216 of 2025 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the defacto complainant is the brother of the deceased. On 18.06.2025, at about 4.00 a.m., the deceased went to the petitioner's field to cut grass for his cattle. At that time, he came into contact with the electric fencing and died on the spot. Hence, a case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case. He seeks this Court to grant anticipatory bail to the petitioner.

4. The the learned Government Advocate (Crl. Side) appearing for the respondent police submitted that it is a second application and the earlier application was dismissed and he strongly objected to grant anticipatory bail to the petitioner.

5. The TNEB has a special powers. If there is any unlawfully tapping of energy, that cannot be the ground for rejecting the bail. Moreover, there is a change of circumstance as the petitioner as agreed to deposit some compensation for the deceased. Therefore, the interim anticipatory bail already granted by this Court is made absolute and confirmed. This Court is also



inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, 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 Judicial Magistrate Court, Uthamapalayam, Theni, within a period of fifteen days from the date of receipt of a copy of this order and 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall deposit Rs.2 lakhs to the credit of crime number and thereafter the same shall be deposited in anyone of the nationalised bank in interest accruing deposit.

[c] the petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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 of BNS.

21.11.2025

KSA

TO

1. The Inspector of Police,
Uthamapalayam Police Station, Theni District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.