

In the Court of the Vacation Sessions Judge, Theni.

Present: Thiru. P. Ganesan, B.A., B.L., D.L.L.,
Vacation Sessions Judge, Theni,

Dated this the 29th day of May 2024

Cr.I.M.P.No.155/2024

CNR.No.TNTH00-0000206-2024

Muniyandi

... Petitioner/Accused

-Versus-

State through the Inspector of Police,

Gudalur South P.S. in

Cr.No.81/2024

... Respondent/Complainant

This petition is coming up on this day before me for hearing in the presence of Thiru.T.Ambaashankar, Learned Counsel for the petitioner and the Learned Public Prosecutor for the State and this Court passed the following:

ORDER

This petition has been filed by the petitioner/accused U/s.439 of Code of Criminal Procedure seeking bail.

2. The Nitty-Gritty of the prosecution case is as follows:

On 15.05.2024 morning, the deceased namely Krishnakumar came into contact with high voltage live electric fence and got electrocuted. Therefore case registered against the petitioner and co-accused U/s. 304(2) and 429 IPC.

3. Heard both sides.

4. The points for determination is that can the petitioner be released on bail ?

Answer :

5. The FIR and objection given by the Investigation Officer are perused. The investigating officer stated in this written objection that the electric line given to electric motor erected in the well belongs to one Parimala, accidentally came into contact with the fence. The deceased Krishnakumar was electrocuted while he came into contact with that fence. Referring the objection, the Learned counsel for petitioner would submit that the very act of the petitioner would

attract the provision U/s.304(A) of IPC. In the light of the above objection made by the Investigating Officer, the provision U/s.304(2) IPC would not attract. Having considered above facts and circumstances of the case, I inclined to release the petitioner on conditional bail.

6. Therefore it is ordered that the petitioner shall be released on conditional bail on his executing a bond for sum of Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties each for a like sum. The following conditions are imposed on the petitioner :-

i) The petitioner shall appear before the SHO of Gudalur South Police Station daily at 10.00 a.m., and 5.00 p.m., for the period of 25 days after his release on bail.

ii) The petitioner shall not tamper with evidence or witnesses either during the investigation or trial.

iii) The petitioner shall not abscond either during the investigation or trial.

7. On breach of any of the aforesaid conditions, the Learned Magistrate / Trial court is entitled to take appropriate action against the petitioners in accordance with law as laid down by the Hon'ble Supreme Court in P.K.Shaji – Vs- State of Kerala (2005) AIR SCW 5560).

8. If the petitioner/accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Pronounced by me in open Court on this the 29th day of May 2024.

**Vacation Sessions Judge,
Theni.**

Copy to:

The Judicial Magistrate, Uthamapalayam.

The Public Prosecutor, Theni.

The Petitioner's through his Counsel.

The Inspector of Police, Gudalur South.