

(2025) 12 MAD CK 1898

In the Madras High Court

Case No : Criminal Original Petition No. 33661 Of 2025

Lakshmanan

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 10-12-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 105, 269

Citation : (2025) 12 MAD CK 1898

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : M.Ganesh, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioner, who was arrested and remanded to judicial custody on 02.11.2025, for the alleged offence punishable under Section 105 of BNS r/ w 135(1)(e) of Electricity Act, 2003 in Cr.No.175 of 2025 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is a land owner. Without getting permissions from the electricity board, he had put up electric fence around his field for protection of his crops. While the deceased person came into contact with it, he died due to electrocution, which lead to the registration of an FIR. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that it is a case of accident. The petitioner is alleged to have illegally erected electricity for the purpose of preventing his crops. He further submitted that he is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that investigation in this case

is pending. Hence, he opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case, there is no previous case as against the petitioner, the petitioner is in custody from 02.11.2025, and it is a case of electrocution by way of accident, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, for a like sum to the satisfaction of the learned Judicial Magistrate-II, Tindivanam 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;

[b] the petitioner shall report before the respondent daily at 10.30 a.m for a period of three weeks and thereafter as and when required for 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.