

(2025) 12 MAD CK 1896

In the Madras High Court

Case No : Criminal Original Petition No. 33717, 33722 Of 2025

P. Palani And Others

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 10-12-2025

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 105, 238(a), 269

Citation : (2025) 12 MAD CK 1896

Hon'ble Judges : K. Rajasekar, J

Bench : Single Bench

Advocate : G.A.Girija, A.Gopinath

Judgement

K.Rajasekar, J

1. The petitioners, who were arrested and remanded to judicial custody on 27.10.2025 for the alleged offence punishable under Sections 105 and 238(a) of BNS in Cr.No.242 of 2025, on the file of the respondent police, seeks bail.
2. The case of the prosecution is that these petitioners are the farm land owners and they have erected electrical fencing in their land to prevent the loss of crop from the damages caused by the wild animals. The deceased has accidentally touched the fencing and he was electrocuted and died. It is alleged that the petitioners dumped the body into the well. Hence, the case.
3. The learned counsel appearing for the petitioners submitted that the deceased has accidentally touched the fencing and he was electrocuted and died and they have not dumped the body into the well and it is a false case foisted by the local influential persons. Hence, he prayed for grant of bail to the petitioners.
4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and reported that the deceased has accidentally touched the fencing and he was electrocuted and died and the petitioners have dumped the body into the well. He further submitted that major

part of the investigation has been completed. However, he opposed for grant of bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions of the learned counsel on either side and the fact that the occurrence has taken place accidentally and major part of the investigation was completed and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on her executing 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 learned Judicial Magistrate, Cheyyar, Tiruvannamalai District 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

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

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

[e] the petitioners 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 petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners 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.