

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Crl.O.P.No.22198 of 2017

V.D.Keerthan

... Petitioner/Accused

Vs.

State Rep.by

The Inspector of Police,
Rathinagiri Police Station,
Vellore District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the learned District Munsif cum Judicial Magistrate, Arcot, Vellore District to accept the surrender of the petitioner and consider his bail application on the same day in Crime No.177 of 2017 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.Iyyapparaj
Additional Public Prosecutor

ORDER

The petitioner's request to surrender himself before the learned Judicial Magistrate, Arcot, Vellore District, in connection with Crime No.177 of 2017 has been turned down on the ground that his name does not find place in the FIR and hence the present petition has been filed.

2. According to the learned counsel for the petitioner, the petitioner himself has sustained injuries in the accident and hence the petitioner wants to surrender before the concerned Court.

3. The learned Additional Public Prosecutor submits that the investigation is still pending.

4. This Court exercising its power under Section 482 of Criminal Procedure Code cannot render a finding as to who was the driver of the vehicle. Nevertheless, since the petitioner claims to be the driver of the vehicle that was involved in the accident in connection with Crime No.177/2017, I am of the view that at the end of justice would be met if the petitioner

is permitted to surrender before the concerned Court seeking for bail. It is made clear that I have not expressed my views with regard to the status of the petitioner and that it would be open to the Investigating officer as well as the appropriate Court to go into the question on the status of the driver independently.

5. With the above observations, the Criminal Original Petition is disposed of with a direction to the petitioner to surrender before the learned Judicial Magistrate, Arcot, Vellore District, within a period of one week from the date of receipt of a copy of this order. On such surrender the learned Magistrate shall consider the bail application and pass appropriate orders on its own merits and in accordance with law.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

AT

To

- 1.The Judicial Magistrate,
Arcot, Vellore District.
- 2.The Inspector of Police,
Rathinagiri Police Station,
Vellore District.
- 3.The Public Prosecutor,
High Court, Madras 104.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.78782

CrI.O.P.No.22198 of 2017

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CA(10/11/2017)

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