



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Sixth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.1105 of 2017

SUNDARAJ

... PETITIONER / ACCUSED

Vs

STATE REP. BY

THE INSPECTOR OF POLICE, MANANERI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

IN

CRIME NO.8 OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.ANANTHA MURUGAN Advocate

For Respondent : P.KANDASAMY Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 279 and 304 IPC in Crime No.8 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that when the de facto complainant's father was proceeding towards Kakkivadanpatti Village in his two wheeler, the back door of a tipper lorry belonging to the petitioner / A1, which was driven by A2, has suddenly opened and hit the head of the deceased and as a result, he died.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the accident took place only due to rash and negligent driving of the driver of the lorry and he has no intention or knowledge for causing death of the deceased.

4.The learned Government Advocate (crl.side) appearing for the respondent submitted that totally there are two accused and the petitioner, who is the owner of the tipper lorry, is arrayed as A1 in this case and A2 is the driver of the said tipper lorry, who was granted bail by this Court in Crl.O.P.(MD)No.957 of 2017 on 31.01.2017. He further submitted that investigation is still pending.

5.In the FIR itself it has been stated that the death is caused only due to sudden and automatic opening of the back door of the tipper lorry and due to which, the door hit the head of the deceased

and caused his death.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Sivakasi, 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 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)**.

sd/-
06/02/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, SIVAKASI.

2 THE CHIEF JUDICIAL MAGISTRATE, SIVAKASI.

3 STATE REP. BY
THE INSPECTOR OF POLICE, MANANERI POLICE
STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT
MADURAI.

+1. CC to M/S.S.M.ANANTHA MURUGAN Advocate SR.No.6359

ORDER

IN

CRL OP(MD) No.1105 of 2017

Date : 06/02/2017