



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

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16741 of 2017

1 M.PREMA
2 THIRUVIKRAMAN

... PETITIONERS / ACCUSED Nos.2 & 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION, TRICHY DISTRICT.
(CRIME NO.522 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.N.ANANDAKUMAR Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

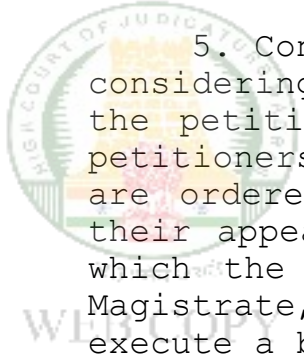
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 and 3, apprehend arrest at the hands of the respondent police for the offence punishable under Section 304 (ii) of IPC, in Crime No.522 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter, namely, Kanishka, who was studying 3rd Standard at Sri Vidya Mandir Matriculation School, used to go to school by school van. While so, on 01.12.2017, at about 5.30 p.m., when she was returning from school near Thimmatchi Gounder Thottam area, unfortunately, the school bus door was suddenly opened and she fell down from the van and died on the spot. The first petitioner is the Principal of the said School and the second petitioner is the Correspondent of the said School. Based on the complaint, a case has been registered for the above said offence against the driver including the petitioners.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that already the petitioners took action against the persons, who were taken care of the school children at the time of travelling and the petitioners are no way connected in the said crime.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that already the driver was arrested and remanded to judicial custody and there is no specific allegation against the petitioner.



5. Considering the facts and circumstances of the case and also considering the fact that there is no specific allegation against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Thuraiyur, on condition that the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the second petitioner shall report before the investigation officer, daily between 10.00 a.m. and 11.00 a.m., until further orders;
- (ii) the first petitioner shall report before the investigation officer as and when required;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners shall not commit any offence while on bail;
- (vi) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

06/12/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THURAIYUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.35664

ORDER IN
CRL OP(MD) No.16741 of 2017
Date :06/12/2017