

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15532 of 2018

S.NEWTON,

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.372 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.SUGENDRAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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 alleged offence punishable under Section 147, 294(b), 323 and 506(ii) IPC r/w Section 3 (1) of the TNPPDL Act in Crime No.372 of 2018 seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the defacto complainant is that he is a driver working in Sri Senthil Transport and that on 30.05.2018, while he was driving the bus near SSP paper mill, he met with the accident, in which the two wheeler rider died on the spot and that the petitioner along with other accused, who are villagers from Karattankattai village attacked him and also caused damage to the bus. The damage was assessed as Rs.1,80,000/-.

4. The learned counsel for the petitioners would submit that the defacto complainant has driven the bus in a very rash and negligent manner and caused death of one of the villagers and there was an uproar in the village and the villagers joined together and caused damage to the bus. He would further submit that the petitioner was not present in the scene of occurrence and since he happens to be the member of the village, he has been falsely implicated in this case. He would also submit that 11 other persons are also implicated in this case. He would further submit that without prejudice to his contention, the petitioner, to show his *bona fide*, is prepared to deposit a sum of Rs.5,000/- before the Magistrate.

5. The learned Additional Public Prosecutor would submit that there was an accident in the village, due to which, the petitioner along with 10 other persons, caused damage to the bus. He would further submit that the damage has been assessed as Rs.1,80,000/-.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also the fact that the petitioner is prepared to deposit Rs.5,000/- without prejudice to his contention, I am inclined to grant anticipatory bail to the 7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Tiruchengode, within a period of four weeks from the date of receipt of a copy of this order on his executing 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 the said Magistrate, on further condition that:

[a] the petitioner shall deposit a sum of Rs.5,000/- (Rupees Five thousand only) to the credit of Crime No.372 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

[c] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

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

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

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

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
PALLIPALAYAM POLICE STATION,
NAMAKKAL DISTRICT,

+1 CC to M/S.S.SUGENDRAN Advocate on payment of necessary charges-Sr.11005

CRL OP.15532/2018

Date :18/06/2018

ths : 27.06.2018