



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.289 of 2018

RAVIKUMAR

... PETITIONER/2nd ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO. 415/2017)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.VEERAKATHIRAVAN, Senior Counsel for
M/S.C.JEGANATHAN, Advocate

For Respondent : M/S.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

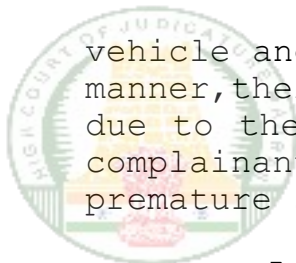
ORDER : The Court Made the following order :-

The petitioner/A2, who was arrested on 17.12.2017 and remanded to Judicial Custody on the same day for the offences punishable under Sections 279, 337 and 304(ii) I.P.C., in Crime No.415 of 2017, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is the owner of a school vehicle, viz., Omni Car and the driver of the said car drove the same in a rash and negligent manner, thereby, met with an accident, causing the death of three children and the daughter of the defacto complainant sustained grievous injuries. Unfortunately, the defacto complainant's daughter also died. Thereby, the respondent registered a case against the petitioner and remanded to the judicial custody.

3.The learned counsel for the petitioner has submitted that the petitioner/A2 is the owner of the Omni Car, he is no way connected with the alleged occurrence. The present petitioner/A2 is only implicated on the ground is that he is the owner of the vehicle.

4.The learned Government Advocate (Crl.side) submitted that the petitioners/A1 & A2 are brothers. A1 is the driver of the



vehicle and he was driving the said Omni Car in a rash and negligent manner, thereby, the driver lost its control and fell upside down, due to the accident, the child, who is the daughter of the defacto complainant died. He further submitted that investigation is at premature stage.

5. Considering the submissions made on either side, it seems that the petitioner was remanded to judicial custody for the offences punishable under Sections 279, 337 & 304(ii) I.P.C., and he is in judicial custody from 17.12.2017 onwards. On go through the facts of the case, A1 is the another one accused and he has committed offence, in the result, one child was died. Now the petitioner/A2 is in judicial custody from 17.12.2017. So, considering the period of incarceration of the petitioner, further custodial interrogation is not necessary for completing the investigation.

6. Considering the above facts and circumstances, this Court is inclined to grant bail to the petitioner. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Musiri.

(ii) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-
09/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE, MUSIRI, TRICHY DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, TRICHY DISTRICT.

4 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.VEERA ASSOCIATES Advocate SR.No.367

ORDER

IN

CRL OP(MD) No.289 of 2018

Date :09/01/2018

PK/PN/SAR-2/09.01.2018 : 3P/7C