



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

Thursday, the First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3252 of 2018

1 KALIYAPERUMAL
2 DURAIMAL

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUPPANANDAL POLICE STATION,
THANJAVUR DISTRICT
(CRIME NO.14/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.RAJAPRABU Advocate
For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

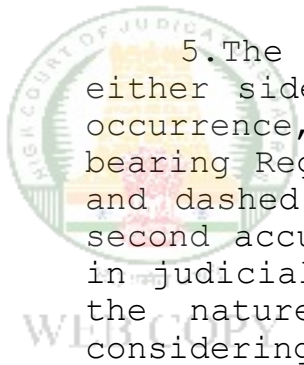
ORDER : The Court Made the following order :-

The petitioners/ A1 & A2, who were arrested and remanded to judicial custody on 08.02.2018 for the offences punishable under Sections 304-A and 304(2) I.P.C., in Crime No.14 of 2018, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 06.02.2018 at about 1.30 p.m., the first petitioner herein has driven a Tractor bearing Registration No.TN-50-W-8125, which belongs to the second petitioner herein in a rash and negligent manner and dashed against one Lakshmi, while she was picking up paddy in the field. Immediately, she was taken to the hospital, but she was died. Hence, a case has been registered against the petitioners for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution. He further added that the petitioners are in judicial custody from 08.02.2018 onwards. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that during the time of occurrence, the first petitioner herein has driven the Tractor in a rash and negligent manner and dashed against the deceased. According to him, investigation is still pending.



5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the first petitioner herein has driven the Tractor bearing Registration No.TN-50-W-8125 in a rash and negligent manner and dashed against the deceased. The owner of the tractor was the second accused in the alleged offence. Further, the petitioners are in judicial custody from 08.02.2018 to till date. So, considering the nature of offence committed by the petitioners and also considering the period of incarceration of the petitioners, further custodial interrogation of the petitioners may not be necessary for completing the investigation.

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

(i) 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 learned Judicial Magistrate No.I, Kumbakonam.

(ii) the petitioners are directed to appear before the respondent police daily at 10.00 a.m. for a period of two weeks, thereafter, as and when required for interrogation.

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

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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/-

01/03/2018

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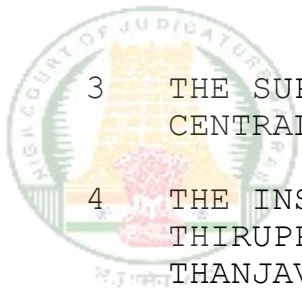
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.I, KUMBAKONAM.

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE
THIRUPPANANDAL POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.S.RAJAPRABU Advocate SR.No.3305

ORDER
IN
CRL OP(MD) No.3252 of 2018
Date :01/03/2018

MKV-PM-PN-SAR 2/1.3.2018/3P-7C