



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

Wednesday, the Fourteenth day of March Two Thousand and Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4004 of 2018

JEGADEESAN

... Petitioner/2nd Accused

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO. 71 OF 2018).

... Respondent/Complainant

For Petitioner : M/S.D.SELVARAJ, 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 petitioner, who is arrayed as accused No.2, was arrested and remanded to judicial custody on 27.02.2018 for the offences punishable under Section 279, 337 IPC and 84(2), 177 of MV Act @ 279, 337, 304(2) IPC and 84(2), 177 of MV Act in Crime No.71 of 2018, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner has arranged 407 Van to go to Dindigul for attending the family function of the deceased. Due to rash and negligent driving of the driver of the 407 Van, the back side tyre was burst and the van turned turtle and one of the passengers sustained head injury and died and others sustained injuries. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 27.02.2018. Hence, he prays for bail.



4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation of the case is under progress.

5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged on 26.02.2018 at about 15.00 hours, the petitioner herein arranged 407 Van to go to Dindigul for attending the family function. After arranging the vehicle by the petitioner, the deceased and other persons were travelled in the above said vehicle and at that time, due to the burst of back side left wheel, the vehicle turned turtle, due to which, one of the persons died and some other persons sustained injuries. Now, the petitioner is in judicial custody from 27.02.2018. The facts of the case show that the petitioner is not having any intention and knowledge with regard to the alleged offence. Thereby, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. 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 No.II, Dindigul;

(ii) the petitioner shall appear before the respondent Police daily at 10.00 a.m. for a period of three weeks and thereafter, as and when required for interrogation.

(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/-
14/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL,

2 DO TRHOUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL.

3 THE OFFICER IN CHARGE,
DISTRICT PRISON,
DINDIGUL.

4 THE INSPECTOR OF POLICE,
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to M/S.D.SELVARAJ Advocate SR.No.4065.

ORDER

IN

CRL OP (MD) No.4004 of 2018

Date :14/03/2018

SDS/PN/SAR.2/14.03.2018/3P/7C