



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

Friday, the Twenty Third day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4610 of 2018

KARIAMMAL @ SOUNDARAJAN

... PETITIONER / 1st 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.A.ROBINSON Govt. Advocate (Crl. Side)

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

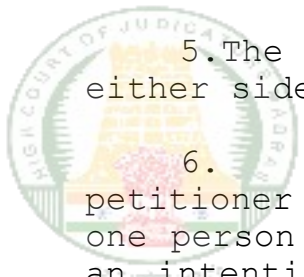
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1 was arrested and remanded to judicial custody on 27.02.2018 for the offences punishable under Sections 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 while the defacto complainant and their family members were going to attend the family function at Burma Colony, Natham Main Road, Dindigul, in the 407 Van vehicle belonging the petitioner herein, due to the rash and negligent driving of the petitioner, the back side tyre was burst and Van turned turtle and one of the passengers sustained head injury and died and others sustained injuries. Hence, on complaint, a case has been registered against the petitioner.

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.

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, during the time of occurrence, the petitioner being the owner-cum-driver made road accident, in which, one person was died. Whether the alleged offence was happened with an intention or not have to be identified at the time of trial. Now, the petitioner is in judicial custody from 27.02.2018. Considering the facts and circumstances of the case and also considering the period of incarceration, this Court came to the conclusion that further detention is not necessary for completing the investigation. Hence, this Court 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 am 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/-

23/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
 - 3 THE OFFICER IN CHARGE, DINDIGUL 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.57386

ORDER IN

CRL OP(MD) No.4610 of 2018

Date :23/03/2018