



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

Thursday, the Twelfth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.5785 of 2018

KAMARAJ

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
BOILER PLANT POLICE STATION, TRICHY.
IN CR NO. 8 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.M.KARUNAKARAN Advocate

For Respondent : MR.A.P.G.OHM CHAIRMA PRABHU
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner is arrayed as sole accused. He was arrested and remanded to judicial custody on 08.03.2018 for the offences punishable under Sections 304(ii) and 336 I.P.C., in Crime No.8 of 2018 on the file of the respondent police. He seeks bail.

2.The occurrence in question took place on 07.03.2018. The petitioner is the Inspector of Police (Traffic). It is alleged that on 07.03.2018, the petitioner has chased the defacto complainant, who was riding a two wheeler along with his wife deceased Usha and by kicking the backside of the defacto complainant caused him to lose of balance. In the resulting accident, the wife of the defacto complainant fell and died.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person he has not committed any offence as alleged by the prosecution and prays for bail in favour of the petitioner.

4.The learned Government Advocate(Criminal Side) submitted that all the other witnesses have been examined in this case, but, defacto complainant is not extending his co-operation as he wants transfer of investigation.

5.This Court is of the view that the continued incarceration of the petitioner is not necessary for continuing the investigation and



filing final report. 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.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Trichy.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) 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/-
12/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 4 THE INSPECTOR OF POLICE
BOILER PLANT POLICE STATION, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.6009

ORDER
IN
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Date :12/04/2018

MKV-CM-VR-VK/12.4.2018/2P-7C

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