



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21099 of 2018

A. RAVICHANDRAN

...PETITIONER / SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
TIW- I, POLICE STATION,
MADURAI CITY, MADURAI.
Crime No. 209 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SUKUMAR Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

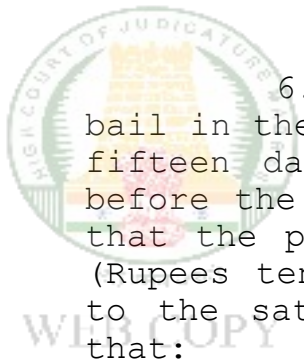
The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 337, 304(ii) IPC and Section 185 of M.V.Act, in Crime No.209 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a driver of the load auto who was proceeding in the Sinthamani Nedunkulam, Main Road, at that time on the left side of the road, a Maruthi Omni Car TN 58 K 3619, which was driven by the petitioner who had in a drunken mood and came in a rash and negligent manner and dashed against the defacto complainant, due to which, the defacto complainant is said to have sustained injury on his head.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence.

4.The learned Government Advocate (Crl.side) for the respondent police would submit that investigation is pending.

5.Taking into consideration the facts of the case and it is only a road accident, but for the smell of alcohol, it could have been a case of bailable offence under Section 304(a), this Court is inclined to grant anticipatory bail to the petitioner.



6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai, on condition that 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 learned 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/11/2018

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTATE NO VI. MADURAI.

2.THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3.THE INSPECTOR OF POLICE

TIW- I, POLICE STATION, MADURAI CITY, MADURAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.S.SUKUMAR Advocate SR.No.22442

ORDER IN

CRL OP(MD) No.21099 of 2018

Date :28/11/2018