

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.2618 of 2019

KESAVAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.
(CR.NO.2/2019)

[RESPONDENT]

For Petitioner : M/S.B.SUNDARAPANDIYAN Advocate

For Respondent : MRS. M.PRABHAVATHI, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 02.01.2019 for an offence under Sections 304(2)IPC in Crime No.2 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that this petitioner had driven his container lorry in the National Highways in a rash and negligent manner and had hit the car which caused the death of six persons. It is the further case of the prosecution that the petitioner was driving the lorry on a wrong direction which resulted in this serious accident.

3. The learned counsel for the petitioner submitted that the petitioner was arrested and remanded to judicial custody on 02.01.2019 and that the entire investigation is over and the petitioner has been inside the jail for more than 30 days.

4. The learned Additional Public Prosecutor submitted that totally six persons belonging to the same family died in this accident because of the gross negligence on the part of the petitioner in driving the lorry on the wrong side. The learned Additional Public Prosecutor further submitted that the investigation has been completed and final report has been filed before the learned Judicial Magistrate -II, Walajahpet.

5. Considering the facts and circumstances of the case and also the fact that the final report has already been filed before the concerned Court, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Wallajahpet and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the learned Judicial Magistrate II, Walajahpet, once in a week on Monday at 10.30 am until further orders.

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

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
06/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, WALLAJAHPET.

2 THE CHIEF JUDICIAL MAGISTRATE
<https://hcservices.ecourts.gov.in/hcservices/>
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.B.SUNDARAPANDIYAN Advocate on payment of necessary
charges SR.NO.2641

CRL OP.2618/2019

Date :06/02/2019

TA-07/02/2019