

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:26.03.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8076 of 2019

Murugesan

...Petitioner

Vs.

State Rep. by
Inspector of Police
T-12, Traffic Investigation Police Station
Poonamallee
Tiruvallur District
(Crime No.360/2019)

.... Respondent

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to modify the condition imposed by the learned Principal District and Session Judge, Tiruvallur that on execution of a bond for Rs.25,000/- with two sureties for the like sum to the satisfaction of the Judicial Magistrate No.II, Poonamallee and on condition to sign before the concerned police daily by 10.00 a.m. until further orders, further the petitioner is directed to deposit a sum of Rs.50,000/- to each families of the deceased persons as compensation in Crl.M.P.No.1322/2019 dated 19.03.2019.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner to modify the condition imposed by the learned Principal District and Session Judge, Tiruvallur that on execution of a bond for Rs.25,000/- with two sureties for the like sum to the satisfaction of the Judicial Magistrate No.II, Poonamallee and on condition to sign before the concerned police daily by 10.00 a.m. until further orders, further the petitioner is directed to deposit a sum of Rs.50,000/- to each families of the deceased persons as compensation in Crl.M.P.No.1322/2019 dated 19.03.2019.

2.The petitioner is facing charge under Section 279, 304(II) of IPC and Sections 134(a), 134(b) and 187 of Motor Vehicles Act

1988 in Crime No.360 of 2019 of Traffic Investigation Wing Poonamallee. The case of the prosecution is that on 09.03.2019, the petitioner drove the container lorry TN 02 AU 3174 in a rash and negligent manner hit the two wheeler bearing Regn. No.TN 12 W 7457 due to which the rider of the two wheeler and the pillion rider were died on the spot itself and the driver of the lorry parked the lorry on the same place and ran away from the place of occurrence.

3.The learned counsel for the petitioner would submit that the petitioner moved a bail application before the learned Principal District and Sessions Judge at Tiruvallur in CrI.M.P.No.1322 of 2019 and he was enlarged on bail by an order dated 19.03.2019 with the following conditions:

"The petitioner is ordered to be released on bail on execution of a bond for Rs.25,000/- with two sureties for the likesum to the satisfaction of the Judicial Magistrate No.II, Poonamallee and on condition to sign before the concerned police daily by 10.00 a.m. until further orders. Further the petitioner is directed to deposit a sum of Rs.50,000/- to each families of the deceased persons as compensation to the credit of Cr.No.360/2019 of Traffic Investigation Wing Poonamallee."

4.The learned counsel for the petitioner would further submit that the petitioner could not comply with the condition as he belongs to a poor family and he is working as a lorry driver on daily wages basis and he is the only earning member of his family. The owner of the lorry has not supported the petitioner to comply with the condition and not willing to give hand loan to the petitioner. Even though the bail was granted as early as on 19.03.2019, it is very difficult for him to mobilise the fund. The petitioner would further submit that he is ready to execute bond with two blood sureties for a like sum of Rs.10,000/- and ready to deposit a sum of Rs.25,000/- to each family of the deceased persons as compensation. Accordingly, prays for modification.

5.Heard the learned counsel for the petitioner.

6.Considering the submissions made by the learned counsel for the petitioner, the order passed in CrI.M.P.No.1322 of 2019 dated 19.03.2019 by the learned Principal District and Sessions Judge at Tiruvallur is hereby modified to the effect that the petitioner shall produce two blood sureties for execution of bond for a like sum of Rs.10,000/- to the satisfaction of the Judicial Magistrate No.II, Poonamallee instead of paying Rs.25,000/- for execution of bond and the petitioner shall deposit a sum of Rs.25,000/- to each family of the deceased persons as compensation to the credit of Cr.No.360/2019 of

Traffic Investigation Wing Poonamallee instead of Rs.50,000/-.
The other conditions of the order shall stand unaltered.

7. Accordingly, this Criminal Original Petition is modified.
A further period of two weeks is extended for execution of bond.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Inspector of Police
T-12, Traffic Investigation Police Station
Poonamallee
Tiruvallur District

2. The Principal District and Sessions Judge
Tiruvallur

3. The Judicial Magistrate No. II
Poonamallee

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr. B. Gopalakrishnan, Advocate, S.R.No.28306

+1cc to Mr. B. Gopalakarishnan, Advocate, S.R.No.43368 (dt.08/05/2019)

Crl.O.P.No.8076 of 2019

NM(CO)

rrs 27/03/2019

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