



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

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4002 of 2019

RAMU

... PETITIONER / A-2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ANDIPATTI POLICE STATION
ANDIPATTI, THENI DISTRICT.
CRIME NO.109/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.MAHENDRAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government 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 alleged offence under Sections 279, 337, 304(A) and 304(2) of IPC in Cr.No.109 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that when the deceased along with the family members were travelling in an auto driven by the petitioner bus came in the opposite direction in rash and negligent manner and dashed against the auto which resulted in the death of her daughter. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is auto driver and has been falsely implicated in this case and he has have nothing to do with the alleged offence.

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

5.Considering the facts and circumstances and considering the fact that the bus which came in the opposite direction hit against the auto, this Court is inclined to grant anticipatory bail to the



petitioner. 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, Anditpatti, Theni District 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ANDIPATTI,
THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE
ANDIPATTI POLICE STATION, ANDIPATTI,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.P.MAHENDRAN, Advocate SR.No.54498

ORDER IN

CRL OP(MD) No.4002 of 2019

Date :15/03/2019