



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

Friday, the Fourth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.22485 of 2018

D.BABU

... PETITIONER /SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION,
MADURAI DISTRICT.
CRIME NO.539 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.DINESH, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 19.10.2018 for the offences punishable under Sections Man Missing @ 279,304(@) and 201 of IPC in Crime No.539 of 2018, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.10.2018 the petitioner was travelling along with the victim/deceased in a share auto bearing Reg. No.TN 58 M 1947 from Ellis Nagar to Harvetpatti consuming alcohol, all of a sudden the said share auto fell into the channel. The petitioner and the victim sustained injuries and some of the local people rescued the petitioner and admitted the petitioner in the hospital. The petitioner was unconscious for three days and during enquiry it was revealed that the victim was stuck in the alleged occurrence and he died on the same day.

3. The learned counsel for the petitioner would submit that the petitioner was unconscious during the incident and he also sustained injuries in the scene of occurrence. He would also submit that the petitioner herein voluntarily gave confession statement before the VAO about the incident.



4. The learned Additional Public Prosecutor would submit that the petitioner who is a driver consumed alcohol and drove the auto and fell in a channel, but the petitioner escaped. After three days the body of the deceased was found.

5. Considering the facts and circumstances of the case and also considering the period of incarceration of the petitioner, 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.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.IV, Madurai, and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

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

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

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
THIRUNAGAR POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.M.DINESH Advocate SR.No.167

ORDER IN

CRL OP(MD) No.22485 of 2018

Date :04/01/2019