



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

Thursday, the Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22859 of 2018

S. YOGESHWARAN

... PETITIONER / SOLE ACCUSED

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION WING-II,
TALLAKULAM, MADURAI.
Crime No.274 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.DINESH Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner is in judicial custody since 13.12.2018 for the offences punishable under Sections 279, 304(2) IPC and Sections 129, 183, 185 and 177 of Motor Vehicle Act in Crime No.274 of 2018, on the file of the respondent police. He seeks bail.

2.The case of the prosecution is that on 16.10.2018 at about 07.15 P.M., while the deceased ride his vehicle bearing No.TN 59 BQ 0195 (Passion Pro) from Madurai Town to Sivagangai Main Road nearby Vinayaga Ceramics, Gomathipuram, the petitioner, who ride his vehicle bearing No.TN 63 AK 1987 (Passion Pro) had dashed against the vehicle of the deceased and sustained serious injuries. Due to which the deceased had died on the spot. The petitioner was taken to hospital and he was admitted in Government Rajaji Hospital, Madurai on the same date, wherein, blood and urine samples has been taken for alcoholic test and it was found that the petitioner had consumed alcohol. Though initially Section 304A IPC has been made out, subsequently, altered into 304(2) IPC.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.



4.The learned Government Advocate (Crl.Side) for the respondent opposes to grant bail to the petitioner.

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) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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/-
03/01/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO II,



2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION WING-II,
TALLAKULAM, MADURAI.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.DINESH Advocate SR.No.111

ORDER
IN
CRL OP(MD) No.22859 of 2018
Date :03/01/2019

TK/VR/SAR-2/03.01.2019/3P/7C