



WEB COPY

CRL OP(MD). No.11133 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/08/2019

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11133 of 2019

Murugesan

... Petitioner/Sole Accused

Vs

State Rep.by
The Sub Inspector of Police,
Sedunganallur Police Station,
Thoothukudi District.
Crime No.89 of 2019

... Respondent/Complainant

For Petitioner : M/s.M.Solaisamy,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.89 of 2019 on the file of the Respondent Police.

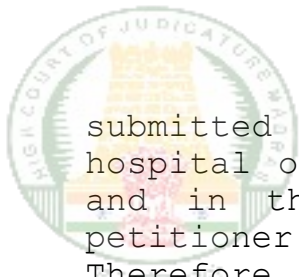
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 337 and 304(2) of IPC in crime No.89 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that on 18.07.2019, the petitioner was the owner cum driver of the Mahindra Van bearing Registration No.TN 34 5808 has driven the same. He further submitted that but the same date at about 1.15 hours when the said van was nearing Karunkulam Sudalai Koil bridge it lost control and jumped into the pit and in the said accident, six persons died and eight persons sustained injuries and the petitioner herein also sustained serious injuries. He further

<https://hcservices.ecourts.gov.in/hcservices/>



submitted that the petitioner was admitted in the Government hospital on 18.07.2019 itself and he was discharged on 24.07.2019, and in the said discharge summary it is not stated that the petitioner has driven the vehicle after consuming alcohol. Therefore, the aforesaid act will not attract section 304(2) of IPC and it is purely an accident and therefore, he prayed to grant anticipatory bail to the petitioner.

4.Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent police has submitted that the petitioner has driven the said vehicle after consuming alcohol and driven the said vehicle rash and negligent manner and hence, the said vehicle jumped into the pit and six persons died and eight persons sustained serious injuries, who was driver of the said van. She also produced an AR copy of the petitioner.

5.In the AR copy, it is stated "breath smell of alcohol" was noticed by the Doctor at the time admitting the petitioner in the Government hospital. Therefore, it is clear that at the time of driving the said vehicle, the petitioner consumed alcohol and hence, the provision under Section 304(2) may attract.

6.Taking into consideration of the aforesaid facts and also the fact that six persons died and eight persons sustained serious injuries, this Court is not inclined to grant anticipatory bail to the petitioner.

7.Hence, this criminal original petition is dismissed.

sd/-
14/08/2019

/ TRUE COPY /

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

TO

- 1 THE SUB INSPECTOR OF POLICE,
SEDUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.11133 of 2019
Date :14/08/2019

MS/VR/SAR-1/27.08.2019/2P.3C