

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10519 of 2020

Veerakumar

... Petitioner

Vs.

State Rep. By
The Inspector of Police
Mannargudi Taluk Police Station
Thiruvarur District
(Cr.No.798 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail further proceedings in Crime No.798 of 2020, Mannargudi Taluk Police Station, Thiruvarur District.

For Petitioner : Mr.S.Mayilnathan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. Side)

ORDER

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.06.2020 for the offence punishable under Section 304 of IPC, in Crime No.798 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner along with one Stalin had driven the motorcycle in a very fast manner and hit against the husband of the defacto complainant, resulting which the husband of the defacto complainant died.

3.The learned counsel appearing for the petitioner would submit that it is a case of the accident and for purposely the case was registered under Section 304 of IPC so that the petitioner is kept in detention. He further submitted that the petitioner was arrested on 17.06.2020, for more than one month he is in judicial custody and major parts of the investigation are over.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner has driven the vehicle in a rash and negligent manner and caused the death of the husband of the defacto complainant.

5.Taking into consideration of the facts and circumstances, also considering the submissions made by the learned counsels, and the petitioner is in custody from 17.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned Judicial Magistrate No.I, Mannargudi, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) **the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.**

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
14/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION].

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
MANNARGUDI TALUK POLICE STATION,
TIRUVARUR DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.MAYILNATHAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.10519/2020

Date :14/07/2020

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MN-CS-12/08/2020