



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/09/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9923 of 2020

Saravanan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thogaimalai Police Station,
Karur District.
Crime No.267 of 2020.

... Respondent/Complainant

For Petitioner : M/s B.Prasanna Vinoth,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

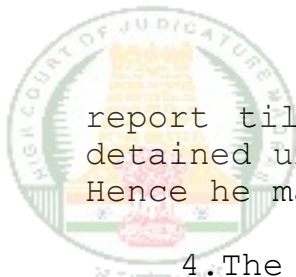
For Bail in Crime No.267 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused herein was arrested and remanded to Judicial Custody on 28.05.2020 for the offences punishable under Sections 304(A), 379 of I.P.C. and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957.

2.The case of the prosecution is that the petitioner herein is the driver of the vehicle while illegally transporting river sand and the deceased in this case was travelling along with him in the vehicle. Since the petitioner drove the vehicle in a rash and negligent manner the deceased fall down from the vehicle and succumbed to injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the petitioner is in jail for more than 90 days and the respondent police have not filed the final



report till date. He would further submit that the petitioner was detained under Act 14 and subsequently it was revoked on 04.09.2020. Hence he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that driver the vehicle drove the vehicle in a rash and negligent manner, in which the deceased fell down and succumbed to injuries. He would also submit that the investigation is yet to be completed and the final report has not been filed so far.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that the petitioner is in jail for more than 90 days and final report has not been filed so far , this Court is inclined to grant bail to the petitioner by imposing conditions.

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/-(Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kulithalai, Karur District

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 as and when required for interrogation.

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

[d]the petitioner shall not tamper with evidence or witness 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].

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

sd/-

17/09/2020

/ TRUE COPY /

/ /2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.I, KULITHALAI,
KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
THOGAIMALAI POLICE STATION, KARUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate (SR-6465[I] dated 17/09/2020)

ORDER

IN

CRL OP(MD) No.9923 of 2020

Date :17/09/2020

MS/VR/SAR-3/17.09.2020/3P.7C