



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

Date : 08/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13372 of 2020

Palanisamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.
Crime No.1905 of 2020

... Respondent/Complainant

For Petitioner : Mr.M.Thiyagarajan,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 1905 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 27.10.2020 for the offences punishable under Sections 279,304(A) of IPC @ 279, 304(A) IPC and Section 185 of M.V.Act @ 304(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 26.10.2020 at about 11.30 am., the deceased along with other police were in highway patrol duty the accused person drove the lorry in a rash and negligent manner and dashed against the deceased and also the accused escaped without stopping the lorry. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 27.10.2020 and he is custody from 27.10.2020. He would also submit that the petitioner did not commit any offence as alleged by the prosecution, hence he prayed for bail.



4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a lorry driver and the deceased was working as SSI of Police. On 26.10.2020 at about 11.30 am., the deceased along with other police involved in highway patrol duty, at that time the accused has drive his lorry in a rash and negligent manner and dashed against the deceased and also escaped from the scene without stopping the lorry.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti, Madurai District.

i) 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

ii) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 pm., until further orders.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/12/2020

/ 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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE,
VADIPATTI, MADURAI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13372 of 2020
Date :08/12/2020

AAV
TK/PN/SAR.4/08.12.2020/3P/6C