

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.843 of 2021

Sathish Kumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Kurusilapet Police Station,
Vellore District.
(Crime No.667/2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.667 of 2020 pending investigation on the file of respondent.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.M. Prabavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 31.12.2020 for the offence punishable under Sections 279, 337 and 308 IPC in Crime No.667 of 2020, seeks bail.

2. Totally, there are three accused and the petitioner is A2. The case of the prosecution is that A1, driver of the car , along with other accused in an inebriated mood, driven the car in a rash and negligent manner and dashed against 5 two wheelers, due to which , 5 persons sustained injuries. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and he is in jail for more than one month. He would further submit that co-accused in this case were already granted bail and hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused persons travelled

together in an inebriated mood and dashed against 5 two wheelers and caused injuries to them. Co-accused in this case have already been released on bail. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that co-accused in this case were already released on bail and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thiruppathur, and on further conditions that:

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

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

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

(g) 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];

(h) 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/-

04/02/2021

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.II,
THIRUPPATHUR

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KURUSILAPET POLICE STATION,
VELLORE.

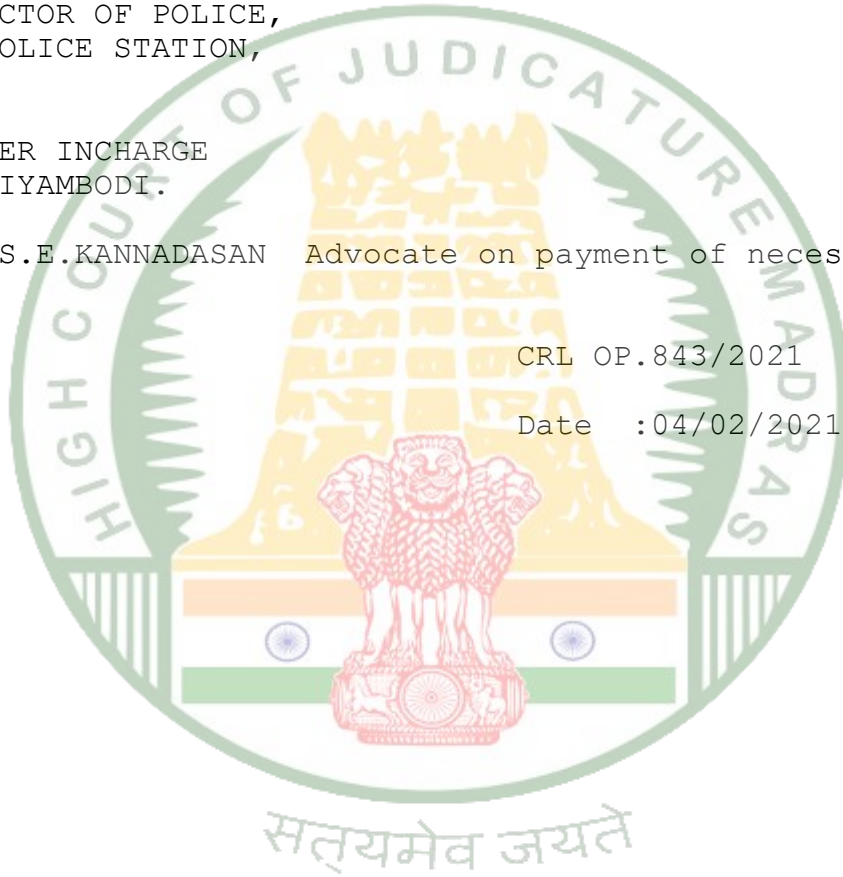
5 THE OFFICER INCHARGE
SUB JAIL, VANIYAMBODI.

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

CRL OP.843/2021

Date :04/02/2021

TA-05/02/2021



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