

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1181 of 2021

C.Amruth

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thirumangalam (TIW) Police Station,
Chennai.
(Crime No.10/TM3/2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 10/TM3/2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. V.Balamurugan

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 19.01.2021 for the offence punishable under Section 304(ii) (2 counts) IPC and Section 184 of MV Act, seeks bail.

2. The case of the prosecution is that on 19.01.2021, early morning at about 3.00 a.m., the petitioner has driven the BMW car in a rash and negligent manner and dash against the two wheeler, in which, the pillion rider was thrown away and died on the spot and the rider of the two wheeler sustained grievous injuries, immediately, he was taken to hospital, where he was declared dead. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the the petitioner has driven the vehicle in a normal speed. The rider of the two wheeler suddenly taken a "U" turn near DAV school, Mogappair signal and only because of the negligence of the rider of the two wheeler, the accident has taken place. He would further submit that the medical report of the petitioner would prove that the petitioner was not an intoxicated mood at the time of accident and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the accident has taken place in the early morning at 3.00 a.m. The petitioner has driven the BMW car in a rash and negligent manner and dashed against the two wheeler and caused death of two police persons. She would further submit that investigation in this case almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that investigation in this case is almost completed and also considering the period of incarceration suffered by the petitioner and the medical report, 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 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 VI Metropolitan Magistrate, Egmore, Chennai 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/-

03/02/2021

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 VI METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
THIRUMANGALAM (TIW) POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

CC to M/S.V.BALAMURUGAN Advocate on payment of necessary charges SR.NO.1081

CRL OP.1181/2021

Date :03/02/2021

RVR 04/02/2021