

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2487 of 2021

Mayilsamy

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kundadam Police Station,
Tiruppur District.
(Crime No. 6 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.6 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr N. Ponraj

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 02.01.2021 for the offence punishable under Section 302 IPC in Crime No.6 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that both the petitioner and the deceased were running a grocery shop in a village and there was business rivalry between them. Due to the same, on 02.01.2021, the petitioner said to have dashed the car against the deceased and caused his death. Thereafter, she was taken to the hospital, where he declared dead. Based on the complaint given by the relative of the deceased, the criminal case was registered.

3. The learned counsel for the petitioner would submit that even according to the First Information Report, some unknown person drove car and hit the deceased. Since there was previous enmity between them, the petitioner has been implicated in this case and he is not the owner of the said car. Even though, the defacto complainant is stated to be the eye-witness to the occurrence, while the deceased was admitted in the hospital, he has stated that

unknown car hit the deceased. However, subsequently, made improvement as if the petitioner is the owner of the car and he only hit the car, he has been implicated in this case. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the owner of the car. He purchased the same in the year 2019 itself. Due to business enmity, he dashed the car against the deceased and created a story as if it was an accident. The petitioner has only hit the deceased with an intention to cause the death. Now, investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. Considering the facts and circumstances of the case and the fact that now, investigation is almost completed and also considering the period of incarceration suffered by the petitioner, 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 Judicial Magistrate, Dharapuram, 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 stay at Trichy and report before the Inspector of Police, Cantonment Town Police station, Trichy, 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/-
08/03/2021

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNDADAM POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

6 THE INSPECTOR OF POLICE,
CANTONMENT TOWN POLICE STATION,
TRICHY.

+1 CC to M/S.N.PONRAJ Advocate on payment of necessary charges
SR.NO.2975

CRL OP.2487/2021

Date :08/03/2021

TA-09/03/2021