

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3782 of 2021

Seenu @ Mattuvandi Seenu @
Mattukara Seenu @ Sivanesan

... Petitioner

Vs.

State through
The Inspector of Police,
Walajapet Police Station,
Vellore District.
(Crime No.42 of 2019)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 42 of 2019 pending investigation on the file of the respondent.

For Petitioner : M/s.S.Shrenik Raj

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 16.12.2020 for the offence punishable under Section 279, 304(A), 379, 430 of IPC r/w. Section 21(1) of M & N (D & R) Act in Crime No.42 of 2019, seeks bail.

2. Totally, there are two accused and the petitioner is arrayed as A1. The case of the prosecution is that the petitioner, who is owner of the lorry, said to have illegally transported sand in a tipper lorry. At that time, A2 who is the driver of the lorry has driven the vehicle in a rash and negligent manner and dashed against general public and caused death of a person. Hence, a complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he is no way connected with the offence and he has been falsely implicated in this case. He would further submit that A2 has been released on bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the owner of the lorry and he is the habitual offender of sand theft . At the time of accident, the petitioner was also present at the scene of occurrence and only at the instigation of the petitioner, the sand theft has been committed. Hence, he is the main accused. Even though, a crime was registered against him in the year 2019, he was absconding and after much difficulty, he was arrested only on 16.12.2020. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that co-accused in this case, the driver of the lorry, has already been released on bail, 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 No.II, Wallajah, Vellore District, 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 petitioners 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/-
25/02/2021

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, WALLAJAH, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.S.SHRENIK RAJ Advocate on payment of necessary charges SR.NO.2293

CRL OP.3782/2021

सत्यमेव जयते Date: 25/02/2021

TA-26/02/2021

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