

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3248 of 2021

Franklin

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
TIW Guindy Police Station,
Chennai - TIW South.
(Crime No.18 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.18 of 2021 on the file of respondent police.

For Petitioner : M/s. Krishnasamy Chinnasamy

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner is the sole accused. The petitioner, who was arrested and remanded to judicial custody on 10.01.2021 for the offence punishable under Sections 279, 304(2) and 337 of I.P.C. and Section 185 of Motor Vehicles Act, 1988 in Crime No.18 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the petitioner has driven a van in an inebriated mood and dashed against a two wheeler, thereby caused death of a person and also one of the person got injured. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 10.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the occurrence taken place is an accident and he has never intended to cause the death. He would submit that only due to the rash and negligent driving of a two wheeler, the accident has been taken place. He would submit that he is an innocent person and he is no way

connected with the offence as alleged in the complaint. He would submit that he has been falsely implicated in the present case. He would submit that he was in jail from 10.01.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner in a drunken mood has driven a van and dashed a two wheeler, thereby caused a death and one person got injured. She would submit that the medical examination was also revealed that he was under influence of alcohol and now the investigation is also completed. She would also submit that there is no previous case pending against the petitioner. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, the investigation is completed, and also considering the period of incarceration suffered by the petitioner from 10.01.2021, 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 Principal District Court at 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, on his release from prison, 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/-
18/02/2021

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 PRINCIPAL DISTRICT COURT,
CHENNAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIW GUINDY POLICE STATION,
CHENNAI - TIW SOUTH.

+1 CC to M/S.KRISHNASAMY CHINNASAMY Advocate on payment of
necessary charges SR.NO.1823

CRL OP.3248/2021

Date :18/02/2021

cs 19/02/2021

WEB COPY