

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.05.2021

CORAM :

THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

Crl.O.P.No.8498 of 2021

A.Sivaraja

... Petitioner

Vs.

State rep. by
The Inspector of Police,
T-12 Traffic Investigation Wing,
Poonamallee,
Kancheepuram District.
(Crime No.277 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.277 of 2021 pending on the file of the respondent.

For Petitioner : Mr.M.Prabhakar

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

Heard the learned counsel on either side.

2. The petitioner is in custody since 22.03.2021 for the offence under Sections 279, 304(ii) of IPC r/w 185 MV Act in Crime No.277 of 2021. He seeks bail.

3. Though it was pointed out by the learned Government Advocate (Crl. Side) that the allegation against the petitioner is fairly serious in nature, I am of the view that the continued incarceration of the petitioner is not going to serve any purpose and hence, 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, Sriberumbudur, 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 not commit any offences of similar nature;

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

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

(f) 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

4. With the above directions, this Criminal Original Petition is ordered.

-sd/-

05/05/2021

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, SRIBERUMBUDUR.

2 THE INSPECTOR OF POLICE,
T-12, TRAFFIC INVESTIGATION WING,
POONAMALLEE, KANCHEEPURAM DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT OF MADRAS, CHENNAI.

+ 1 CC to M/S. M.PRABHAKAR Advocate on payment of necessary charges SR NO.5783

CRL OP.8498/2021

Date :05/05/2021

rg.06.05.2021

<https://hcservices.ecourts.gov.in/hcservices/>