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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.15820 of 2021

Thanigaivelan

... Petitioner

Vs.

State rep by,
The Inspector of Police,
Thirupalaivanam Police Station,
Thiruvallur District
(Crime No.342 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail pending investigation in Crime No.342 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

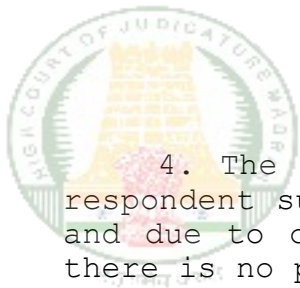
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 14.08.2021 for the offences under Section 304(2) of IPC, in Crime No.342 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had given his boat to the deceased and his friends for riding in Pazhaverkadu lake for which, he obtained money from the deceased, during the said ride, the said boat in the middle lake had capsized and in the absence of safety measures in the boat, th deceased was drowned and died. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 14.08.2021. He further submits that the petitioner is the coolie of country boat and there is no intention to commit the offence. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is the rider of country boat and due to overload, the boat had capsized. He further submits that there is no previous case pending as against the petitioner.

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5. Considering the fact that there is no previous case pending as against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Ponneri, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

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

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

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-

02/09/2021

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.



1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
THIRUPALAIVANAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUBJAIL, PONNERI

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
Sr.9432

CRL OP.15820/2021

Date :02/09/2021

RVR 03/09/2021