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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17300 of 2021

Chinnathambi

... Petitioner

Vs.

The State of Tamil Nadu
Rep, by Inspector of Police,
H-1, TIW Traffic,
Washermenpet Police Station,
Chennai.
(Crime No.86 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.86 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Appaji Charles Kamalesh

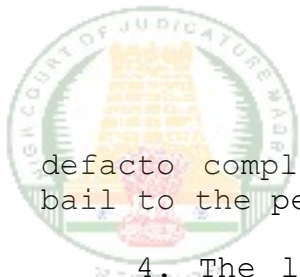
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 22.08.2021 for the offences punishable under Sections 279 & 304(ii) of IPC, in Crime No.86 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner drove the vehicle in a rash and negligent manner under the influence of alcohol and dashed against the victim a cycle rider and the victim died on the way to hospital. 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 22.08.2021. The learned counsel, on instructions, would further submit that the petitioner, on his own volition, without prejudice to his rights, is ready to deposit the amount of Rs.1,00,000/- to the credit of the crime number and also conceded the same may be disbursed to the



defacto complainant as compensation. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioner and further the petitioner on his own volition and ready to deposit a sum of Rs.1,00,000/- to the crime number 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 III Metropolitan Magistrate, George Town, Chennai, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Cr.No.86 of 2021 before the learned III Metropolitan Magistrate, George Town, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the said amount may be disbursed to the defacto complainant as compensation within a period of two weeks thereafter;

(b) 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;

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

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

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

(f) 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;



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

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-sd/-
07/10/2021

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 III METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
H-1, TIW TRAFFIC,
WASHERMENPET POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M. APPAJICHARLES KAMALESH Advocate on payment of necessary charges SR.NO.11155

CRL OP.17300/2021

Date :07/10/2021

INBA-08/10/2021