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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.17630 of 2021

Santhoshkumar

.. Petitioner

Vs.

State Rep By
The Inspector of Police (L& O),
Traffic Investigation wing
Guindy, Chennai - 600 042.
CRIME NO.378 OF 2021

.. Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No.378 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Vengatesan

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

ORDER

The petitioner who was arrested on 26.08.2021 and remanded to judicial custody for the offences under Sections 279,338(2 counts), 308 of I.P.C r/w 185 of M.V. Act in Crime No.378 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioner in a inebriated state drove the car in a rash and negligent manner and hit the vendors in the road side, due to which heated oil was splashed on the body of the victim and thereby he sustained grievous injuries and admitted in the hospital. Hence the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 26.08.2021. However, on instructions, the learned counsel further submitted that the petitioner, on his own volition, is ready to give Rs.50,000/- directly to the victim for taking treatment. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that due to the irresponsible act of the the petitioner, the defacto complainant sustained injuries and he was still taking treatment in the hospital. However no danger for his life. He would further submit there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that there is no previous case pending against the petitioner and the voluntary undertaking of the petitioner to give Rs.50,000/- directly to the victim for taking treatment 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 XVIII Metropolitan Magistrate Saidapet, Chennai, and on further condition that:

(a) the petitioner shall give Rs.50,000/- directly to the victim for taking treatment and get due acknowledgement from the victim and produce the same before the learned XVIII Metropolitan Magistrate Saidapet, Chennai, at the time of executing sureties.

(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/-
24/09/2021

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.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION WING,
GUINDY, CHENNAI 600042

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZZHAL CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VENGATESAN Advocate on payment of necessary charges SR.NO.10528

CRL OP.17630/2021

Date :24/09/2021

JPA 27/09/2021