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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24118 of 2021

Mohideen Bava

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Mappedu Police Station,
Tiruvallur.
(Cr.No.492 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.492 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Raj

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 03.11.2021 for the offences under Sections 279, 304A of IPC @ Section 279, 304A r/w 304(ii) of IPC, in Crime No.492 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the on 31.10.2021 at about 9.50 p.m the deceased persons who are husband and wife were returning from Perungalatur to Arakonam in their car bearing Reg no TN09BA6523 and near Mappedu Koovam Bus stand, the petitioner who was driving the lorry bearing Regn. No.TN02BA1290 in a rash and negligent manner and hit against the car of the deceased due to which, they both died on the spot. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and there was no motive for the petitioner to kill the deceased persons. He would further submit that the petitioner has been suffering incarceration for more than 35 days from 03.11.2021 and he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating the petitioner is the sole accused and he is the owner of the vehicle, he drove the lorry in a rash and negligent manner and hit on the car due to which, both the husband and wife died on the spot and the investigation is almost completed.

5. Considering the fact the investigation is almost completed and also considering the period of incarceration undergone 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-II, Tiruvallur , and on further condition that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.20,000/- (Rupees Twenty Thousand Only) through demand draft in favour of SRI ARUNODAYAM CHARITABLE TRUST, 45, Sivananda Nagar, Kolathur, Chennai-600 099, A/c.No.50100196910687, HDFC Bank, Dayalu Nagar, Villivakkam Branch, IFSC Code:HDFC0004221, Mobile No.91-8608971037, Phone No.91-44-26511450, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(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 on every Tuesday and Sunday 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/-
13/12/2021

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-II,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MAPPED POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE SRI ARUNODAYAM
CHARITABLE TRUST,
45, SIVANANDA NAGAR,
KOLATHUR, CHENNAI-600 099.
A/c.No.50100196910687, HDFC Bank,
Dayalu Nagar, Villivakkam Branch,
IFSC Code:HDFC0004221, Mobile No.91-8608971037,
Phone No.91-44-26511450

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to Mr.S.Raj Advocate on payment of necessary charges
SR.NO.14614

CRL OP.24118/2021

Date :13/12/2021