



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 02/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.652 of 2021

Veerasekar

... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
(Crime No.1658/2020).

... Respondent/Complainant

For Petitioner : Mr.Ganapathi Subramanian.P,
Advocate.

For Respondent : Mr.K.Suyambuling Bharathi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.1658/2020 on the file of the
respondent police.

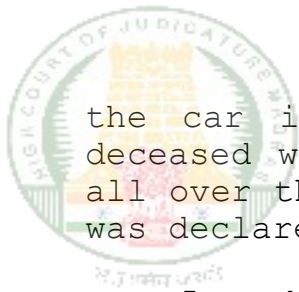
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to
judicial custody on 03.12.2020 for the offences punishable under
Sections 279,337 and 304(A) of IPC @ 337, 279 and 304(1) of IPC on
the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner under the
influence of alcohol had driven a car in a rash and negligent manner
and caused the accident. Hence the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is resident of Mannargudi which is situated 45 km away
from the place of occurrence and no specific overt act has been
attributed against the petitioner. He would also submit that the
petitioner is in jail for more than 55 days, hence he may be
granted bail.

4. The learned Government Advocate(Crl.Side) would submit that
under the influence of alcohol the petitioner drove



the car in a rash and negligent manner and dashed against the deceased who was coming in bicycle and sustained grievous injuries all over the body and immediately he was taken to hospital, where he was declared dead.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following 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 District Munsif cum Judicial Magistrate, Thiruvidaimaruthur

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/02/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
THIRUVIDAIMARUTHUR POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.652 of 2021
Date :02/02/2021

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JM/VR/SAR III/02.02.2021/3P/6C