



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

Date : 09/04/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5127 of 2021

Kumar

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No.58 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Ragaventhre, Advocate.

For Respondent : K.Dinesh Babu,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.58 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

The petitioner/Sole accused, who was arrested on 26.03.2021 for the offences under Sections 279, 332, 337, 338 and 304(ii) of IPC in Cr.No.58 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the defacto complainant along with police officials were engaged in patrolling duty in view of Election, the accused had driven the vehicle in a rash and negligent manner and without reducing the speed of the bus and without blowing horn dashed against the patrolling duty officials. In that occurrence one Karnan, Special Sub Inspector of Police died and three other persons sustained grievous injuries.

3.It is seen from the submissions made that when the defacto complainant and the police party were on duty at about 8.40 hours on 26.03.2021, the petitioner drove a Government Transport Corporation bus bearing registration No.TN 63 N 1747 and he had driven it in



rash and negligent manner and dashed against the Special Sub Inspector of Police. Therefore, the case came to be registered.

4.The learned counsel for the petitioner submitted that the petitioner is in judicial custody from 26.03.2021. The learned Additional Public Prosecutor, submits that injured were discharged. However, he opposes the grant of bail to the petitioner.

5. It is unfortunate that Karnan, Special Sub Inspector died in the accident. However, taking into Consideration the fact that the petitioner is a driver of the Government Transport Corporation and the fact that the injured had been discharged from the hospital, the witnesses are official witnesses and that the petitioner is in judicial custody from 26.03.2021, this Court is inclined to grant bail.

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, Sivagangai 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 appear 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.

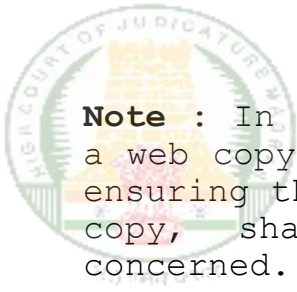
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/04/2021

/ 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 concerned.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
 - 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 - 3.THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.
 - 4.THE SUB INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.RAGAVENTHIRE Advocate SR.No.3041

ORDER
IN
CRL OP(MD) No.5127 of 2021
Date :09/04/2021

TM

TK/PN/SAR.3/09.04.2021/3P/7C