



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

Date : 28/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.6021 of 2021

Raja ... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur,
Thanjavur District.
(Crime No.160 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Suresh Kannan.C,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.160 of 2021 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner, who was arrested on 05.04.2021 for the offences punishable under Sections 279, 337 & 304(A) IPC altered into Section 304(ii) IPC in Crime No.160 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 04.04.2021 at about 03.00 pm., when the defacto complainant and his brother-in-law were returning from Ayyampettai in his two wheeler bearing Registration No.TN 49 CA 7278, near Ayyampettai-Kandiyur main road at Pattithoppu Bharat Gas Company, the petitioner's car bearing Registration No.TN 49 BH 2099, came behind in a rash and negligent manner and dashed on the two wheeler. As a result, the brother-in-law of the defacto complainant died. Hence, the complaint.

3.The learned counsel for the petitioner submitted that it is a case of accident and there was no deliberate intention on the part of the petitioner in causing the accident. Therefore, he seeks bail



4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that investigation is pending.

5.Considering the nature of the accident and the fact that the petitioner is in custody from 05.04.2021, this Court is inclined to grant bail to the petitioner.

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.3, Thanjavur 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 report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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]**.

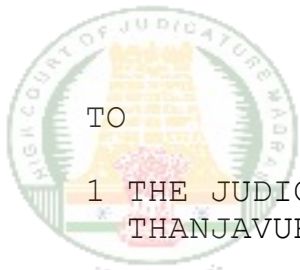
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
28/04/2021

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/ /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.



TO

1 THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR.

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

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

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

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

ORDER

IN

CRL OP(MD) No.6021 of 2021

Date :28/04/2021

gns

JM/VR/SAR II/28.04.2021/3P/6C