



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.6053 of 2021

Dinesh

... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Cr.No. 65 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Ananda Raj A,
Advocate.

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

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

PRAYER :-

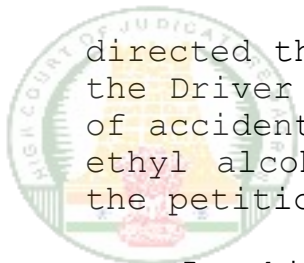
For Bail in Crime No.65 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 28.03.2021 for the offences punishable under Sections 279, 337, 304(2) IPC r/w Section 185 MV Act in Crime No.65 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 26.03.2021 at about 7.20 to 7.30 am., when the wife and children of the defacto complainant crossing the Road near Rayarthoppu Kudiyurpu, a car bearing registration No.TN64M4627 came in rash and negligent manner and dashed against them. As a result, the younger son of the defacto complainant died and other son sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner was not responsible for the accident and due to sudden crossing of the road, the accident happened.



directed the learned Government Advocate (Crl.side) to verify whether the Driver of the car was under influence of the alcohol at the time of accident. Today, he produced the examination report stating that ethyl alcohol was not detected from the blood and urine sample of the petitioner.

5. Taking into consideration the facts and circumstances of the case that the petitioner was not under the influence of alcohol at the time of accident, that he is in judicial custody from 28.03.2021 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 District Munsif cum Judicial Magistrate, Rameshwaram 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.

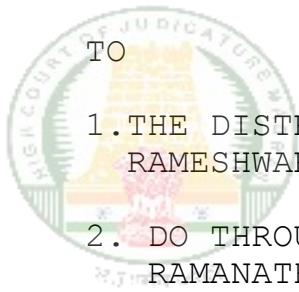
sd/-
29.04.2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESHWARAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6053 of 2021
Date : 29/04/2021

VBVR SAR 4(29/04/2021) 3P / 6C