



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP (MD)No.8126 of 2021

Pauldurai ... Petitioner/Accused

Vs

The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
In Crime No.127 of 2021,

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja

For Respondent : Mr.P.Kottai Chamy
Government Advocate(Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime no.127 of 2021 on the file of the
respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
304 of IPC in Crime No.127 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the
driver of Mahendra Vehicle bearing Registration No.TN 72 AA 4590.
On 14.06.2021, the said vehicle dashed with a TVS Excel Super
bearing Registration No.TN 72 AB 4818, as a result of which, the
Mahendra vehicle got fired and in that fire, the father and sister
of the defacto complainant have succumbed to death. At the instance
of the deceased's daughter, this case has been registered against
this petitioner, alleging that the petitioner's rash and negligent
driving has caused the accident.

3. Heard the learned counsel for the petitioner and the learned
Government Advocate (Criminal Side) appearing for the respondent
Police.

4. Considering the nature of offence and that the death was
caused due to accident, this Court is inclined to grant anticipatory
bail to the petitioner and hence, this petition is allowed.



5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Srivaikundam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the Magistrate concerned and on further conditions that:

[a]the petitioner and 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 respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/08/2021

/ TRUE COPY /

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

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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,
Srivaikundam.

2.D- Through The Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.8126 of 2021

Date : 05.08.2021

CN(18.08.2021) 3P 5C