



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2021

PRESENT

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.OP (MD)No. 20143 of 2021

1. Thangapandi
2. Gogul

... Petitioners/Accused No.7 & 8

-vs-

State through
The Inspector of Police,
Abiramam Police Station,
Ramnad District.
In Crime No.522 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.J.Chakkaravarthy, Advocate.

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

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

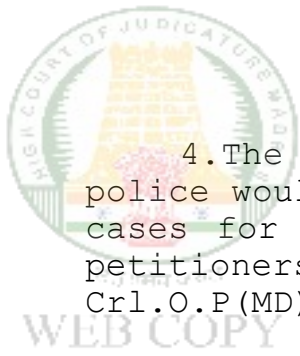
PRAYER :-For Bail in Crime No.522 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.7 and 8, who were arrested and remanded to judicial custody on 07.11.2021 for the offences punishable under Sections 304 (II) of IPC and 177 M.V Act altered into 304(II), 143, 269, 270, 271, 291, 505(I) (b) of IPC and 177 of M.V.Act, r/w 109 of IPC, in Crime No.522 of 2021, on the file of the respondent Police, seek bail.

2. The case of the prosecution is that the first accused drove his vehicle in a rash and negligence manner at the instigation of other accused and caused death. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent, that they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He would also submit that the petitioners are in judicial custody from 07.11.2021, hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police would submit that the petitioners are not having any previous cases for similar in nature and the earlier petition filed by the petitioners were dismissed by this Court order dated 26.11.2021 in Crl.O.P(MD) No.18282 of 2021.

5.Considering the nature of the charges alleged against the petitioners and also the facts that the petitioners are in judicial custody from 07.11.2021 and that the petitioners are not having any previous cases for similar or serious offence, and upon the facts and circumstances of the case, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, these petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned District Munsif - cum - Judicial Magistrate, Kamuthi, Ramanathapuram District.

[a] 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.

[b] the petitioners shall report before the respondent police daily at 10.30 am. until further orders.

[c] the petitioners shall not tamper with evidence or witness.

[d] the petitioners shall not abscond during trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 229A IPC.

sd/-
21/12/2021

/ TRUE COPY /

21/12/2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION, RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.

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

+1. CC to Mr.S.J.CHAKKKARAVARTHY, Advocate SR.No.9517.

ORDER
IN
CRL OP (MD) No.20143 of 2021
Date :21/12/2021

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MK/PN/SAR.II/21.12.2021/3P/7C