



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3226 of 2022

M. Stalin Selvin Raja

...Petitioner

Vs.

The State rep. by  
The Inspector of Police  
Kinathukadavu Police Station,  
Coimbatore District.  
(Crime No.521 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.521 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Tamilarasan

For Respondent : Ms.G.V.Kasthuri  
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 31.12.2021 for the offences under Sections 279, 338 and 304 (A) of IPC, 1860 altered into Sections 279, 338 and 304 of IPC, 1860 read with Section 185 of the Motor Vehicle Act in Crime No.521 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 29.12.2021, at about 5.00 p.m., the defacto complainant's wife driven the two wheeler with a pillion rider viz., defacto complainant's grand mother in the Arnmanaipudur to S.Mettupalayam Road. At that time, the petitioner herein came in another two wheeler in a rash and negligent manner in drunken mood and dashed against the two-wheeler of the defacto complainant's wife due to which, the the wife of the defacto complainant died and his grand mother sustained injury. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that during the relevant point of time, the petitioner driven the vehicle in high speed and committed accident. The said alleged occurrence has not been committed by the petitioner with the intention to kill the deceased. Further, he submits that the petitioner is in judicial custody from 31.12.2021. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the petitioner after consuming the liquor driven his vehicle and committed this offence. However, she fairly admits, as of now, portion of the investigation has been completed.

5. The submissions made by the learned counsel on either side are considered. It seems that the offence under Sections 279, 338, 304 of IPC r/w Section 185 of Motor Vehicle Act have been registered against this petitioner. In otherwise, on going through the nature of the offence committed by the petitioner during the relevant point of time the petitioner after consuming the liquor driven his two wheeler in high speed and dashed against the deceased. In otherwise, whether such offence has been committed with intention or without intention has to be identified only at the time of the trial. Therefore, being reason that the portion of the investigation has already been completed, further custody of the petitioner is not necessary. Accordingly, this Court is inclined to grant bail to the petitioner. The petitioner is ordered to be released on bail subject to the following conditions.

(a) the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate No.I, Pollachi.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

(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 Judicial 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

10/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,  
POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE,  
COIMBATORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,  
KINATHUKADAVU POLICE STATION,  
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,  
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.A.TAMILARASAN Advocate on payment of necessary charges SR.NO.2200

CRL OP.3226/2022

Date :10/02/2022

INBA~10/02/2022